
MINERALS AND PETROLEUM

MP301*

Mining Rehabilitation Fund Act 2012

**Mining Rehabilitation Fund Amendment
Regulations 2014**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Mining Rehabilitation Fund Amendment Regulations 2014*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Mining Rehabilitation Fund Regulations 2013*.

4. Part 4 inserted

After regulation 19 insert:

Part 4 — Infringement notices**20. Prescribed offence and modified penalty**

- (1) The offence of failing to provide assessment information under section 15(2) of the Act is an offence for which an infringement notice may be issued under the *Criminal Procedure Act 2004* Part 2.
- (2) For the purposes of the *Criminal Procedure Act 2004* section 5(3), the modified penalty for the offence mentioned in subregulation (1) is \$4 000.

21. Authorised officers and approved officers

- (1) The CEO may, in writing, appoint persons or classes of persons to be authorised officers or approved officers for the purposes of the *Criminal Procedure Act 2004* Part 2.

- (2) The CEO must issue to each authorised officer a certificate identifying the officer as a person authorised to issue infringement notices.

22. Forms

For the purposes of the *Criminal Procedure Act 2004* Part 2, the forms set out in Schedule 2 are prescribed in relation to the matters specified in those forms.

5. Schedule 2 inserted

After Schedule 1 insert:

Schedule 2 — Infringement notice forms

[r. 22]

Form 1 — Infringement notice

<i>Mining Rehabilitation Fund Act 2012</i>		Infringement notice no.
INFRINGEMENT NOTICE		
Alleged offender	Name	
	Address	
Details of alleged offence	Mining authorisation	
	Date or period	
	Place	
	Written law contravened	Section _____ of the <i>Mining Rehabilitation Fund Act 2012</i>
	Details of offence	
Date	Date of notice	
Issuing officer	Name	
	Office	
	Signature	
Modified penalty	\$ _____	
TAKE NOTICE	<p>It is alleged that you have committed the above offence.</p> <p>If you do not want to be prosecuted in court for the offence, pay the modified penalty to the Approved Officer within 28 days after the date of this notice.</p>	

	<p>If you do not pay the modified penalty within 28 days, you may be prosecuted or enforcement action may be taken under the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i>. Under that Act, some or all of the following action may be taken — your driver’s licence may be suspended; your vehicle licence may be suspended or cancelled; your details may be published on a website; your vehicle may be immobilised or have its number plates removed; and your property may be seized and sold.</p> <p>If you need more time to pay the modified penalty, you should contact the Approved Officer at the address below.</p> <p>Paying the modified penalty will not be regarded as an admission for the purposes of any civil or criminal court case.</p> <p>If you want this matter to be dealt with by prosecution in court, sign and date here:</p> <p>_____ / ____ /20</p> <p>and post this notice to the Approved Officer at the address below within 28 days after the date of this notice.</p>	
<p>How to pay</p>	<p>By post</p>	<p>Tick the relevant box below and post this notice to:</p> <p>Approved Officer — <i>Mining Rehabilitation Fund Act 2012</i></p> <p><i>[Insert address]</i></p> <p><input type="checkbox"/> I want to pay the modified penalty. A cheque or money order (payable to ‘Approved Officer — <i>Mining Rehabilitation Fund Act 2012</i>’) for the modified penalty is enclosed.</p> <p><input type="checkbox"/> I want to pay the modified penalty by credit card. Please debit my credit card account.</p> <p><i>[Insert details for credit card payment]</i></p>
	<p>In person</p>	<p>Pay the cashier at:</p> <p><i>[Insert address]</i></p>

Form 2 — Withdrawal of infringement notice

<i>Mining Rehabilitation Fund Act 2012</i>		Withdrawal no.	
WITHDRAWAL OF INFRINGEMENT NOTICE			
Alleged offender	Name		
	Address		
Details of infringement notice	Infringement notice no.		
	Date of issue		
Details of alleged offence	Mining authorisation		
	Date or period		
	Place		
	Written law contravened	Section of the <i>Mining Rehabilitation Fund Act 2012</i>	
	Details of offence		
Approved Officer withdrawing notice	Name		
	Office		
	Signature		
Date	Date of withdrawal		
Withdrawal of infringement notice <i>[*Delete whichever is not applicable]</i>	<p>The above infringement notice issued against you for the above alleged offence has been withdrawn.</p> <p>If you have already paid the modified penalty for the alleged offence, you are entitled to a refund.</p> <ol style="list-style-type: none"> 1. Your refund is enclosed. <p>or</p> <ol style="list-style-type: none"> 2. If you have paid the modified penalty but a refund is not enclosed, you may claim your refund by signing and dating this notice and posting it to: <p style="text-align: center;">Approved Officer — <i>Mining Rehabilitation Fund Act 2012</i></p> <p style="text-align: center;"><i>[Insert address]</i></p> 		
Your signature		Date	