

Contents (1993 - 26)

Mining (Strategic Prospectivity Zones) Act 1993

Long Title

1. Short Title
2. Commencement
3. Interpretation
4. Objects of Act
5. Act to bind Crown
6. Strategic prospectivity zones
7. Status of Crown land in strategic prospectivity zones
8. "Parliamentary approval" defined
9. Reimbursement of exploration costs
10. Compensation on revocation of lease
11. Application of Part 7 of Mineral Resources Development Act 1995
12. Regulations
13. Administration of Act

Schedule 1 - Strategic Prospectivity Zones

Schedule 2 - Map of Strategic Prospectivity Zones

Schedule 3 - Towns exempt from section 7

Mining (Strategic Prospectivity Zones) Act 1993

Version current from 11 December 2013 to date (accessed 16 October 2018 at 17:00)



Mining (Strategic Prospectivity Zones) Act 1993

An Act to ensure continuing access for mining purposes to areas of the State having very high potential for mineral exploration

[Royal Assent 3 June 1993]

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 Mining (Strategic Prospectivity Zones) Act 1993 .

2. Commencement

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

3. Interpretation

In this Act, unless the contrary intention appears, expressions used have the same meaning as in the Mineral Resources Development Act 1995 .

4. Objects of Act

The objects of this Act are to ensure that, for mining purposes, there will be continuing access to certain areas of the State having a very high potential for effective and efficient mining for minerals, without any implication as to the prospectivity of the remaining areas of the State.

5. Act to bind Crown

This Act binds the Crown in right of Tasmania and, so far as the legislative power of Parliament permits, in all its other capacities.

6. Strategic prospectivity zones

(1) For the purposes of this Act, the areas of land described in Schedule 1 and which are shown on Plan No. 5132 in the Central Plan Register are established as strategic prospectivity zones.

(2) Strategic prospectivity zones are shown for the purposes of illustration only on the map specified in Schedule 2 .

7. Status of Crown land in strategic prospectivity zones

(1) In this section –

Crown land has the same meaning as in the Crown Lands Act 1976 ;

public land has the same meaning as in the Public Land (Administration and Forests) Act 1991 .

(2) After the commencement of this Act, it is not lawful for any Crown land that is situated in a strategic prospectivity zone to be sold or for the status of any such Crown land to be changed unless the sale or change is approved by resolution of both Houses of Parliament.

(3) Subsection (2) has effect notwithstanding the Crown Lands Act 1976 .

(4) Where any Crown land is less than 500 hectares in area and –

(a) is sold in accordance with the Crown Lands Act 1976 ; or

(b) is sold by the Forestry corporation continued by section 6 of the Forest Management Act 2013 ; or

(c) is subject to any change of status or the grant of an occupation right under the Crown Lands Act 1976 or the Forest Management Act 2013 , if that change or occupation right would limit the operation of the Mineral Resources Development Act 1995 ; or

(ca) is subject to any change of class under the Nature Conservation Act 2002 that limits the operation of the Mineral Resources Development Act 1995 ; or

(cb) is subject to the grant of an occupation right under the National Parks and Reserves Management Act 2002 that limits the operation of the Mineral Resources Development Act 1995 –

(d)

the land is exempt from the operation of this section unless the Director of Mines is of opinion that effective and efficient mining operations may be carried out on the land.

(5) Where any land –

(a) is permanent timber production zone land within the meaning of the Forest Management Act 2013 and is not subject to an order under section 5(3) of the Mineral Resources Development Act 1995 ; or

- (b) forms part of a State reserve, national park, nature reserve, historic site or game reserve under the Nature Conservation Act 2002 ; or
- (c) forms part of a town specified in Schedule 3 ; or
- (d) is subject to the grant of an occupation right under the Crown Lands Act 1976 , the Forest Management Act 2013 or the National Parks and Reserves Management Act 2002 which would not limit the operation of the Mineral Resources Development Act 1995 ; or
- (e) is subject to an order under section 8 of the Crown Lands Act 1976 that effects a change of status of the land and does not limit the operation of the Mineral Resources Development Act 1995 –

the land is exempt from the operation of this section.

(6) Where –

- (a) a lease or licence has been granted under the Mineral Resources Development Act 1995 for mining operations which may cause a substantial disturbance to the surface of any public land; and
- (b) after the grant of the lease or licence it is discovered that –
 - (i) a species of flora or fauna may become endangered, vulnerable or rare as a result of the mining operations; or
 - (ii) a physical feature, or entity, of cultural heritage or natural heritage value may suffer substantial adverse effects as a result of the mining operations; or
 - (iii) an area, object or physical characteristic of particular significance to Aborigines may suffer substantial adverse effects as a result of the mining operations; or
 - (iv) a physical feature, or entity, that is part of the natural or cultural environment of Australia, has aesthetic, historic, scientific, social or other special value for future generations as well as the present community and may suffer substantial adverse effects as a result of the mining operations; and
- (c) by reason of one or more of the matters referred to in paragraph (b) , a reference is given to the Tasmanian Planning Commission established under the Tasmanian Planning Commission Act 1997 in accordance with Part 2 of the Public Land (Administration and Forests) Act 1991 on the instructions of the Minister administering the Mineral Resources Development Act 1995 and the Minister administering the Constitution Act 1934 ; and
- (d) as a result of the reference, a recommendation for a change of use of the land in question is made and is the subject of a proclamation by the Governor –

the land is exempt from the operation of this section.

(7)

(8) Where a procedure for obtaining parliamentary approval for any sale or change in status of Crown land is provided by the Crown Lands Act 1976 , the Forest Management Act 2013 or the Nature Conservation Act 2002 , the land is exempt from the operation of this section.

(9) The Governor may, by order published in the *Gazette*, amend Schedule 3 –

- (a) by adding the name of a town; or
- (b) by omitting the name of a town; or
- (c) by omitting that Schedule and substituting a new Schedule.

(10) An order made under subsection (9) is not a statutory rule within the meaning of the Rules Publication Act 1953 .

8. "Parliamentary approval" defined

For the purposes of this Act, a House of Parliament is to be taken to have approved a resolution if a draft of the resolution has been laid on the table of that House, and –

- (a) the draft is approved by that House; or
- (b) at the expiration of 5 sitting days after the draft was laid on the table of that House no notice has been given of a motion to disapprove the draft or, if such a notice has been given, it has been withdrawn or the motion has been negatived; or
- (c) any notice of a motion to disapprove the draft given during the period of 5 sitting days after the draft was laid on the table of that House is, subsequent to those 5 sitting days, withdrawn or the motion is negatived.

9. Reimbursement of exploration costs

- (1) The holder of a licence under the Mineral Resources Development Act 1995 may be reimbursed the reasonable cost of any work conducted under that licence if –
 - (a) the licence authorises the holder to explore for minerals on any Crown land in a strategic prospectivity zone; and
 - (b) the use of any part of that land is changed under any law of the State resulting in the licence being revoked.
- (2) An amount that is required to be reimbursed to the holder of a licence under subsection (1) is to be paid to the holder within a period of 3 months after it becomes due and, if not so paid, is recoverable as a debt due by the Crown to the holder of the licence in any court of competent jurisdiction.

10. Compensation on revocation of lease

- (1) The holder of a lease under the Mineral Resources Development Act 1995 may be reimbursed for any reasonable loss or reasonable damage if –
 - (a) the lease authorises the holder to carry out mining operations on any Crown land in a strategic prospectivity zone; and
 - (b) the use of any part of that land is changed under any law of the State resulting in the lease being revoked.
- (2) In default of agreement between the Minister and the lessee, the amount of the compensation is to be determined by the Mining Tribunal.
- (3) Where the status of any part of a mineral tenement has been changed under section 7 and that part can be severed from the remainder of the tenement without undue interference with the mining operations carried on by the lessee, the Minister may –
 - (a) grant or issue to the lessee a new lease, licence or other appropriate authority comprising the remaining part, either alone or in conjunction with other available adjoining land; and
 - (b) in the case of a claim, cause the remaining part to be resurveyed or defined in accordance with the regulations and permit the lessee to occupy that land, either solely or in conjunction with other available adjoining land; and
 - (c) include in any lease granted under this section the right to work and mine at the prescribed depth below the surface of the whole or any part of the land of which the status has been changed under section 7 .
- (4) The Minister must, before the exercise of any of the powers conferred by subsection (3) , communicate to the lessee particulars of the manner in which it is proposed to exercise those powers and if the lessee is dissatisfied with the proposal he or she may apply to the Mining Tribunal on a claim for compensation.
- (5) On the hearing of any such claim the Mining Tribunal may make an order –
 - (a) requiring the lessee to accept the proposal made by the Minister either in its entirety or subject to such variation as the Mining Tribunal may think just; or
 - (b) that the lessee is not required to accept the proposal –

and may determine what amount of compensation is to be paid to the lessee in respect of any loss or damage which the lessee may suffer beyond the value of the rights, if any, that he or she might acquire under the proposal.

11. Application of Part 7 of Mineral Resources Development Act 1995

Part 7 of the Mineral Resources Development Act 1995 applies to a claim for compensation under section 10 .

12. Regulations

The Governor may make regulations for the purposes of this Act.

13. Administration of Act

Until an order is made under section 4 of the Administrative Arrangements Act 1990 –

- (a) this Act is administered by the Minister for State Development and Resources; and
- (b) the Department responsible to the Minister in relation to the administration of this Act is the Department of State Development and Resources.

SCHEDULE 1 - Strategic Prospectivity Zones

Section 6 (1)

Form

ADAMSFIELD

Commencing at the 310.9 metre acquisition level at Lake Gordon at AMG 439 670 metres E. 5 272 570 metres N. thence northeasterly to the north west corner of the Adamsfield Conservation Area at AMG 441 000 metres E. 5 273 330 metres N. thence by the Adamsfield Conservation Area boundary in a general easterly and southerly direction to AMG 448 390 metres E. 5 258 820 metres N. thence northwesterly to AMG 446 500 metres E. 5 259 270 metres N. again northwesterly to the 310.9 metres acquisition level at Lake Gordon at AMG 445 420 metres E. 5 259 710 metres N. thence by that acquisition level in a general northwesterly direction to the point of commencement.

ARTHUR

Commencing at the low water mark on Four Mile Beach on the west coast of Tasmania at AMG 332 000 metres E. 5 376 950 metres N. thence northeasterly to AMG 341 000 metres E. 5 386 500 metres N. again northeasterly to AMG 345 500 metres E. 5 410 000 metres N. again northeasterly to AMG 352 700 metres E. 5 427 600 metres N. again northeasterly to 360 000 metres E. 5 438 000 metres N. again northeasterly to the low water mark on the north west coast of Tasmania at AMG 385 000 metres E. 5 467 570 metres N. thence by that low water mark in a general southeasterly direction to Fossil Bluff at AMG 393 300 metres E. 5 462 360 metres N. thence southwesterly to AMG 372 710 metres E. 5 438 000 metres N. again southwesterly to AMG 364 000 metres E. 5 430 000 metres N. again southwesterly to AMG 354 500 metres E. 5 406 500 metres N. again southwesterly to AMG 350 500 metres E. 5 378 500 metres N. again southwesterly to the low water mark on the west coast of Tasmania at AMG 338 500 metres E. 5 367 530 metres N. thence by that low water mark northwesterly to the point of commencement.

BALFOUR

Commencing at the low water mark on Four Mile Beach on the west coast of Tasmania at AMG 332 000 metres E. 5 376 950 metres N. thence northwesterly along that low water mark to the southern end of Green Point Beach at AMG 304 300 metres E. 5 468 500 metres N. thence southeasterly to AMG 340 000 metres E. 5 460 000 metres N. thence northeasterly to the low water mark on Peggs Beach at AMG 358 000 metres E. 5 477 700 metres N. thence by that low water mark southeasterly to AMG 385 000 metres E. 5 467 570 metres N. thence southwesterly to AMG 360 000 metres E. 5 438 000 metres N. again southwesterly to AMG 352 700 metres E. 5 427 600 metres N. again southwesterly to AMG 345 500 metres E. 5 410 000 metres N. again southwesterly to AMG 341 000 metres E. 5 386 500 metres N. thence again southwesterly to the point of commencement.

BEACONSFIELD

Commencing at the southeast corner of the area at AMG 490 000 metres E. 5 417 000 metres N. thence grid west to AMG 480 000 metres E. northwesterly to AMG 470 000 metres E. 5 424 000 metres N. again northwesterly to AMG 464 210 metres E. 5 434 131 metres N. being a point on the low water mark at Port Sorell by that low water mark in a general northwesterly direction to AMG 461 462 metres E. 5 444 000 metres N. grid east to AMG 463 223 metres E. being a point on the western boundary of the Narawntapu National Park by that National Park boundary in a general southerly then northeasterly direction to its intersection with the low water mark at Port Dalrymple by that low water mark in a general southeasterly direction to AMG 490 000 metres E. 5 444 316 metres N. thence grid south to the point of commencement.

CAPE SORELL

Commencing at the low water mark on the west coast of Tasmania at AMG 386 650 metres E. 5 237 000 metres N. thence by that low water mark and the low water mark at Macquarie Harbour in a general northwesterly and southeasterly direction to a point on the World Heritage Area boundary at AMG 369 125 metres E. 5 307 750 metres N. thence by that World Heritage Area boundary in a general southeasterly thence northerly and thence southerly direction to the point of commencement.

MT READ

Commencing at the low water mark at Macquarie Harbour at AMG 362 000 metres E. 5 331 720 metres N. thence northeasterly to AMG 370 000 metres E. 5 400 000 metres N. again northeasterly to AMG 380 000 metres E. 5 405 500 metres N. thence grid north to the south bank of the Hellyer River at AMG 380 000 metres E. 5 433 400 metres N. again northeasterly to AMG 408 000 metres E. 5 451 500 metres N. thence southeasterly to AMG 427 000 metres E. 5 444 000 metres N. again southeasterly to AMG 464 000 metres E. 5 411 500 metres N. again southeasterly to 490 000 metres E. 5 394 000 metres N. thence grid south to AMG 490 000 metres E. 5 370 000 metres N. thence again northwesterly to the World Heritage Area boundary at AMG 484 930 metres E. 5 376 280 metres N. thence by that World Heritage Area boundary in a general northwesterly and southwesterly direction to the low water mark at Macquarie Harbour at AMG 369 950 metres E. 5 316 500 metres N. thence by that low water mark in a general northwesterly direction to the point of commencement.

NORTH EAST

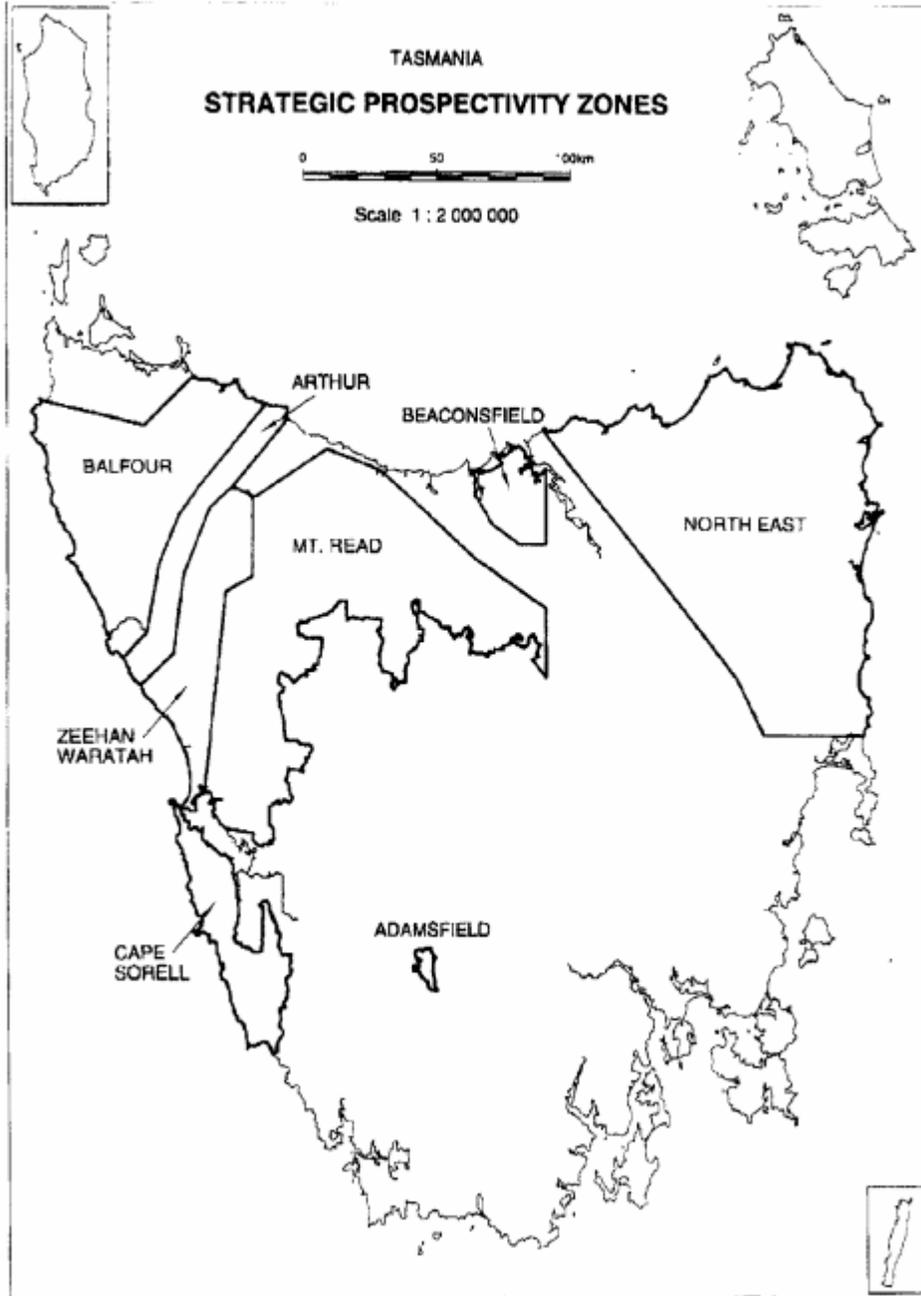
Commencing at the low water mark on the east coast of Tasmania at AMG 606 400 metres E. 5 350 000 metres N. thence grid west to AMG 570 000 metres E. 5 350 000 metres N. thence northwesterly to AMG 560 000 metres E. 5 370 000 metres N. again northwesterly to the low water mark on the north coast of Tasmania at AMG 489 000 metres E. 5 458 270 metres N. thence by that low water mark in a general easterly and southerly direction to the southern end of Abbotsbury Beach at AMG 608 860 metres E. 5 453 390 metres N. thence southeasterly to the low water mark at Policemans Point at AMG 608 950 metres E. 5 453 190 metres N. thence by that low water mark in a general southerly direction to Dora Point at AMG 611 340 metres E. 5 429 650 metres N. thence southeasterly to low water mark at Burns Bay at AMG 612 780 metres E. 5 429 500 metres N. thence again in a southerly direction by that low water mark to the point of commencement.

ZEEHAN WARATAH

Commencing at the low water mark on the west coast of Tasmania at AMG 338 500 metres E. 5 367 530 metres N. thence northeasterly to AMG 350 500 metres E. 5 378 500 metres N. again northeasterly to AMG 354 500 metres E. 5 406 500 metres N. again northeasterly to AMG 364 000 metres E. 5 430 000 metres N. again northeasterly to the south bank of the Arthur River at AMG 372 710 metres E. 5 438 000 metres N. thence by that south bank in a general southeasterly direction to its junction with the Hellyer River thence continuing in a general southeasterly direction by the south bank of the Hellyer River to AMG 380 000 metres E. 5 433 400 metres N. thence grid south to AMG 380 000 metres E. 5 405 500 metres N. thence southwesterly to AMG 370 000 metres E. 5 400 000 metres N. thence again southwesterly to the low water mark at Macquarie Harbour at AMG 362 000 metres E. 5 331 720 metres N. thence by that low water mark and the low water mark on the west coast of Tasmania in a general southwesterly and northwesterly direction to the point of commencement.

SCHEDULE 2 - Map of Strategic Prospectivity Zones

Section 6 (2)



SCHEDULE 3 - Towns exempt from section 7

Section 7 (5) (c)

AVOCA
BEACONSFIELD
BEECHFORD
BELLINGHAM
BICHENO
BINALONG BAY
BRIDPORT
CORNWALL
DELORAINE
FALMOUTH
FINGAL
LILYDALE
LULWORTH

POOLE
RAILTON
SCAMANDER
SCOTTSDALE
ST HELENS
ST MARYS
STIEGLITZ
STRAHAN
TOMAHAWK
WEYMOUTH
WINNALEAH
WYNYARD