



WESTERN  
AUSTRALIAN  
GOVERNMENT

# Gazette

ISSN 1448-949X

PRINT POST APPROVED PP665002/00041

97



PERTH, FRIDAY, 15 JANUARY 2010 No. 8

SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.45 PM

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Mining Act 1978

## Mining Amendment Regulations 2009

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

**1. Citation**

These regulations are the *Mining Amendment Regulations 2009*.

**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 Regulations 1981*.

**4. Regulation 2 amended**

- (1) In regulation 2 delete the definition of *lawyer*.
- (2) In regulation 2 insert in alphabetical order:

*Form*, followed by a designation, means the form with that designation in Schedule 1;

*lawyer* means an Australian legal practitioner as defined in the *Legal Profession Act 2008* section 3;

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**5. Regulation 3 amended**

In regulation 3 delete “No. 1 in the First Schedule.” and insert:

of Form 1.

**6. Regulation 4D amended**

In regulation 4D(1) delete “No. 1A in the First Schedule.” and insert:

of Form 1A.

**7. Regulation 5 amended**

In regulation 5(1)(a) delete “No. 2 in the First Schedule” and insert:

of Form 2

**8. Regulation 6 amended**

In regulation 6 delete “No. 3 in the First Schedule.” and insert:

of Form 3.

**9. Regulation 7 amended**

(1) In regulation 7(1) delete “application.” and insert:

application or within any extension of that period under subregulation (3).

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**r. 10**

(2) In regulation 7(2) delete “regulation 104,” and insert:

subregulation (3),

(3) After regulation 7(2) insert:

(3) The Minister or the warden may, in response to a request made within the 14 day period referred to in subregulation (1), extend that period.

**10. Regulation 10A amended**

In regulation 10A(1) delete “No. 3A in the First Schedule.” and insert:

of Form 3A.

**11. Regulation 13 amended**

In regulation 13 delete “No. 4 in the First Schedule.” and insert:

of Form 4.

**12. Regulation 16 amended**

In regulation 16(1) delete “No. 5 in the First Schedule” and insert:

of Form 5

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**13. Regulation 16B amended**

In regulation 16B(1)(b) delete “No. 9 in the First Schedule; and” and insert:

of Form 9; and

**14. Regulation 19 amended**

In regulation 19 delete “No. 6 in the First Schedule.” and insert:

of Form 6.

**15. Regulation 22 amended**

In regulation 22(1) delete “No. 5 in the First Schedule” and insert:

of Form 5

**16. Regulation 23A amended**

In regulation 23A(1)(b) delete “No. 9 in the First Schedule; and” and insert:

of Form 9; and

**17. Regulation 23BA amended**

In regulation 23BA(1)(c)(ii) delete “54(1)(b);” and insert:

69B(1)(b);

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**r. 18****18. Regulation 23D amended**

In regulation 23D delete “No. 7 in the First Schedule.” and insert:

of Form 7.

**19. Regulation 23E amended**

In regulation 23E(1) delete “No. 5 in the First Schedule,” and insert:

of Form 5

**20. Regulation 23F amended**

In regulation 23F(1):

- (a) in paragraph (a) delete “No. 9 in the First Schedule;” and insert:

of Form 9; and

- (b) after each of paragraph (b)(i) and (ii) insert:

and

**21. Regulation 26 amended**

In regulation 26 delete “No. 8 in the First Schedule.” and insert:

of Form 8.

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**22. Regulation 28A amended**

In regulation 28A(2) delete “Despite regulation 93, the” and insert:

The

**23. Regulation 29 amended**

In regulation 29(1)(a) delete “No. 9 in the First Schedule;” and insert:

of Form 9; and

**24. Regulation 30 amended**

In regulation 30 delete “No. 21 in the First Schedule” and insert:

of Form 21

**25. Regulation 32 amended**

In regulation 32(1) delete “No. 5 in the First Schedule” and insert:

of Form 5

**26. Regulation 35 amended**

In regulation 35 delete “No. 10 in the First Schedule.” and insert:

of Form 10.

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**r. 27****27. Regulation 36A amended**

In regulation 36A(1)(a) delete “No. 9 in the First Schedule;” and insert:

of Form 9; and

**28. Regulation 37 amended**

- (1) In regulation 37(1)(b) delete “No. 20 in the First Schedule” and insert:

of Form 20

- (2) In regulation 37(3) delete “licence the” and insert:

licence, or within any extension of that period under subregulation (4), the

- (3) After regulation 37(3) insert:

- (4) The Minister or the warden may, in response to a request made within the 35 day period referred to in subregulation (3), extend that period.

**29. Regulation 42 amended**

In regulation 42 delete “No. 11 in the First Schedule.” and insert:

of Form 11.

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**30. Regulation 42A amended**

In regulation 42A(1)(a) delete “No. 9 in the First Schedule;” and insert:

of Form 9; and

**31. Regulation 43 amended**

In regulation 43(1) delete “No. 12 in the First Schedule” and insert:

of Form 12

**32. Regulation 45 amended**

- (1) In regulation 45(2) delete “that in lieu of a notice of marking out, a notice of re-marking in the form No. 13 in the First Schedule, shall” and insert:

that, instead of a notice of marking out, a notice of re-marking in the form of Form 13 shall

- (2) In regulation 45(3) delete “No. 14 in the First Schedule” and insert:

of Form 14

- (3) In regulation 45(5) delete “No. 14 in the First Schedule” and insert:

of Form 14



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**r. 33****33. Regulation 49 amended**

In regulation 49(1) delete “No. 15 in the First Schedule.” and insert:

of Form 15.

**34. Regulation 51 amended**

In regulation 51:

- (a) in paragraph (a) delete “No. 17 in the First Schedule;” and insert:

of Form 17; and

- (b) after paragraph (b) insert:

and

**35. Regulation 51A amended**

In regulation 51A delete “No. 17 in the First Schedule.” and insert:

of Form 17.

**36. Regulation 52 amended**

In regulation 52 delete “96(1)” and insert:

96(1)(b)

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**37. Regulation 54 amended**

In regulation 54(1) delete “No. 18 in the First Schedule” and insert:

of Form 18

**38. Regulation 58 amended**

In regulation 58 delete “No. 19 in the First Schedule.” and insert:

of Form 19.

**39. Regulation 59 amended**

In regulation 59(1)(c) delete “No. 20 in the First Schedule.” and insert:

of Form 20.

**40. Regulation 61 amended**

In regulation 61 delete “No. 20 in the First Schedule” and insert:

of Form 20

**41. Regulation 64 amended**

(1) In regulation 64(1):

(a) delete “No. 21 in the First Schedule” and insert:

of Form 21

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- (b) delete “such further time as the warden considers reasonable.” and insert:

within any extension of that period under subregulation (7).

- (2) In regulation 64(1a):

- (a) delete “No. 21 of the First Schedule,” and insert:

of Form 21,

- (b) in paragraph (a) delete “form No. 21,” and insert:

Form 21,

- (c) in paragraph (b) delete “form No. 21,” and insert:

Form 21,

- (3) In regulation 64(3):

- (a) after “70,” insert:

74,

- (b) delete “(4),”.

- (4) Delete regulation 64(4).

- (5) In regulation 64(5) delete “such further period as the warden considers reasonable.” and insert:

any extension of that period under subregulation (7).

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- (6) After regulation 64(6) insert:
- (7) The Minister or the warden may extend the period referred to in subregulation (1) or (5) if a request for extension is made within that period.

**42. Regulation 64A amended**

- (1) In regulation 64A:
  - (a) delete “For” and insert:
    - (1) For
    - (b) in paragraph (a) delete “No. 21 in the First Schedule; and” and insert:

of Form 21; and
    - (c) in paragraph (b) delete “relates.” and insert:

relates or within any extension of that period under subregulation (3).
- (2) At the end of regulation 64A insert:
  - (2) For the purposes of section 74(3), a notice in the form of Form 21 shall be served on the chief executive officer of the local government within 14 days of the lodging of the application to which the notice relates or within any extension of that period under subregulation (3), unless notice of the application is

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**r. 43**

given to that chief executive officer under section 33(1).

- (3) The Minister or the warden may extend the period referred to in subregulation (1)(b) or (2) if a request for extension is made within that period.

**43. Regulation 69 amended**

In regulation 69 delete “No. 22 in the First Schedule,” and insert:

of Form 22,

**44. Regulation 75 amended**

In regulation 75:

- (a) delete “No. 23 in the First Schedule” and insert:

of Form 23

- (b) in paragraph (a) delete “and, where applicable,” and insert:

and

- (c) in paragraph (a) delete “sections 26, 52, 60 or 70F of the Act;” and insert:

section 26, 52(1), 60(1), 70F(1) or 84A(1) in respect of the lease or licence; and

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(d) after each of paragraphs (b) to (e) insert:

and

**45. Regulation 76 amended**

In regulation 76(1)(a) delete “No. 24 in the First Schedule; and” and insert:

of Form 24; and

**46. Regulation 76A amended**

In regulation 76A delete “Form 24A in the First Schedule” and insert:

the form of Form 24A

**47. Regulation 77 amended**

In regulation 77(a) delete “No. 25 in the First Schedule; and” and insert:

of Form 25; and

**48. Regulation 81 amended**

In regulation 81 delete “No. 23 in the First Schedule” and insert:

of Form 23

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**r. 49****49. Regulation 83 amended**

In regulation 83 delete “discharge, in Form 26 or 26A, as applicable, in the First Schedule” and insert:

discharge in the form of Form 26 or Form 26A, as applicable,

**50. Part V Division 4AA inserted**

After Part V Division 4 insert:

**Division 4AA — Memorials for unpaid tax****84AA. Tax memorial**

A tax memorial (as defined in section 103A) is to be in the form of Form 26B.

**84AB. Withdrawal of memorial**

A withdrawal of memorial (as defined in section 103A) is to be in the form of Form 26C.

**51. Regulation 84E amended**

In regulation 84E(a) delete “No. 30 in the First Schedule; and” and insert:

of Form 30; and

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**52. Regulation 85A amended**

- (1) In regulation 85A(1) delete “No. 27 in the First Schedule —” and insert:

of Form 27 —

- (2) In regulation 85A(2) delete “No. 27A in the First Schedule —” and insert:

of Form 27A —

**53. Regulation 89A amended**

In regulation 89A(1) delete “the Third Schedule.” and insert:

Schedule 3.

**54. Regulation 96 amended**

In regulation 96(3) delete “No. 5 in the First Schedule,” and insert:

of Form 5,

**55. Regulation 96C amended**

Delete regulation 96C(2).



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**r. 56****56. Regulation 102 amended**

In regulation 102(1) delete “No. 28 in the First Schedule” and insert:

of Form 28

**57. Regulation 105 amended**

In regulation 105 delete “No. 29 in the First Schedule” and insert:

of Form 29

**58. Regulation 108 amended**

In regulation 108 delete “No. 31 in the First Schedule” and insert:

of Form 31

**59. Regulation 112 amended**

In regulation 112(3) delete “form No. 32 in the First Schedule” and insert:

Form 32

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**60. Regulation 120A amended**

In regulation 120A(3a) delete “No. 16 in the First Schedule” and insert:

of Form 16

**61. Regulation 120E amended**

In regulation 120E delete “form 44 set out in the First Schedule,” and insert:

the form of Form 44

**62. Regulation 121 amended**

In regulation 121 delete “No. 33 in the First Schedule.” and insert:

of Form 33.

**63. Regulation 122 amended**

In regulation 122(1) delete “solicitor” and insert:

lawyer

**64. Regulation 123 amended**

In regulation 123(1)(c) delete “No. 34 in the First Schedule” and insert:

of Form 34

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**r. 65****65. Regulation 126 amended**

In regulation 126 delete “No. 36 in the First Schedule” and insert:

of Form 36

**66. Regulation 127 amended**

In regulation 127(1) delete “No. 37 in the First Schedule” and insert:

of Form 37

**67. Regulation 127D amended**

In regulation 127D(2) delete “No. 35 in the First Schedule.” and insert:

of Form 35.

**68. Regulation 127E amended**

In regulation 127E(1) delete “No. 36A” and insert:

of Form 36A

**69. Regulation 128 amended**

In regulation 128(1) delete “*Legal Practice Act 2003* section 210” and insert:

*Legal Profession Act 2008*

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**70. Regulation 129 amended**

In regulation 129(1) delete “No. 38 in the First Schedule” and insert:

of Form 38

**71. Regulation 135 amended**

In regulation 135 delete “No. 42 in the First Schedule.” and insert:

of Form 42.

**72. Regulation 136 amended**

In regulation 136 delete “No. 43 in the First Schedule.” and insert:

of Form 43.

**73. Regulation 140 amended**

In regulation 140(1) delete “No. 35A in the First Schedule.” and insert:

of Form 35A.

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**r. 74****74. Regulation 141 amended**

In regulation 141(1) delete “No. 36 in the First Schedule.” and insert:

of Form 36.

**75. Regulation 146 amended**

In regulation 146(1) delete “No. 16 in the First Schedule.” and insert:

of Form 16.

**76. Regulation 150 amended**

In regulation 150(2) delete “No. 35 in the First Schedule.” and insert:

of Form 35.

**77. Regulation 151 amended**

In regulation 151(1) delete “No. 36A in the First Schedule” and insert:

of Form 36A

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**78. Regulation 153 amended**

In regulation 153(1) delete “No. 36A in the First Schedule.” and insert:

of Form 36A.

**79. Regulation 157 amended**

In regulation 157(1) delete “No. 37 in the First Schedule” and insert:

of Form 37

**80. Regulation 173 amended**

In regulation 173(1) delete “No. 38 in the First Schedule” and insert:

of Form 38

**81. First Schedule amended**

- (1) In the First Schedule delete the heading “**First Schedule**” and insert:

**Schedule 1 — Forms**

[r. 2]

- (2) In the First Schedule delete the heading “**Schedule of Forms**” and the list of forms after that heading.

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- (3) In the First Schedule before Form No. 1 insert:

**Form 1 Miner's Right**

- (4) In the First Schedule Form No. 1:  
(a) delete "Form No. 1" and insert:

Form 1

- (b) delete "Department of Mines." and insert:

Department.

- (5) In the First Schedule before Form 1A insert:

**Form 1A Application for permit under section 20A**

- (6) In the First Schedule before Form 2 insert:

**Form 2 Application for permit to enter upon private land**

- (7) In the First Schedule before Form 3 insert:

**Form 3 Permit to enter upon private land**

- (8) In the First Schedule before Form 3A insert:

**Form 3A Claim for compensation and consent for an informal determination by the warden**

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- (9) In the First Schedule before Form 4 insert:

**Form 4 Prospecting licence**

- (10) In the First Schedule before Form 5 insert:

**Form 5 Operations report — expenditure on mining tenement**

- (11) In the First Schedule Form 5 delete:

Evidence of  
lodgment to  
be provided

C.

**ABORIGINAL HERITAGE SURVEYS:**

\$

*Copy to be lodged with the Registrar of Aboriginal Sites.*

and insert:

C.

**ABORIGINAL HERITAGE SURVEYS:**

\$

- (12) In the First Schedule Form 5 delete:

These reports should be lodged with —

The Director General, Department of Minerals and Energy, 100 Plain Street, East Perth, WA 6004.

and insert:

These reports should be lodged with the Department at Perth.

- (13) In the First Schedule Form 5 delete:

**C. ABORIGINAL HERITAGE SURVEYS**

A copy of any survey undertaken to be lodged with the Registrar, Aboriginal Sites, Aboriginal Affairs Department as soon as practicable, where the cost of conducting it is claimed for expenditure purposes. Evidence of lodgment of the survey must be provided to the Department of Minerals and Energy.



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- (14) In the First Schedule Form 5 Attachment 2 delete:

<b><u>Aboriginal Heritage Surveys:</u></b> (a copy must be lodged with the Registrar of Aboriginal Sites)	SUBTOTAL (C)	\$ <input type="text"/>
---	--------------	-------------------------

and insert:

<b><u>Aboriginal Heritage Surveys:</u></b>	SUBTOTAL (C)	\$ <input type="text"/>
--	--------------	-------------------------

- (15) In the First Schedule before Form 6 insert:

**Form 6 Exploration licence**

- (16) In the First Schedule before Form 7 insert:

**Form 7 Retention licence**

- (17) In the First Schedule before Form 8 insert:

**Form 8 Mining lease**

- (18) In the First Schedule Form 8 delete “Department of Mines, Perth.” and insert:

Department.

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(19) In the First Schedule before Form 9 insert:

**Form 9 Application for extension of term/renewal of a  
mining tenement**

(20) In the First Schedule before Form 10 insert:

**Form 10 General purpose lease**

(21) In the First Schedule Form 10 delete “Department of Mines, Perth.” and insert:

Department.

(22) In the First Schedule before Form 11 insert:

**Form 11 Miscellaneous licence**

(23) In the First Schedule before Form 12 insert:

**Form 12 Surrender**

(24) In the First Schedule before Form 13 insert:

**Form 13 Notice of re-marking**

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(25) In the First Schedule before Form 14 insert:

**Form 14 Partial surrender**

(26) In the First Schedule before Form 15 insert:

**Form 15 Application for forfeiture under section 96(1)(a)**

(27) In the First Schedule Form 15:

(a) delete “96(1)(b)” and insert:

**96(1)(a)**

(b) delete “regulations 49 and 53” and insert:

regulation 49

(28) In the First Schedule before Form 16 insert:

**Form 16 Objection**

(29) In the First Schedule before Form 17 insert:

**Form 17 Application for restoration**

(30) In the First Schedule before Form 18 insert:

**Form 18 Application for exemption**



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(35) In the First Schedule before Form 22 insert:

**Form 22 Withdrawal**

(36) In the First Schedule before Form 23 insert:

**Form 23 Transfer**

(37) In the First Schedule Form 23 delete:

TRANSFEROR  
(e) Full name and address

(e)

and insert:

TRANSFEROR  
(e) Full name, ACN/ABN No.  
and address

(e)

(38) In the First Schedule Form 23 delete:

TRANSFeree  
(g) Full name and address

(g)

and insert:

TRANSFeree  
(g) Full name, ACN/ABN No.  
and address

(g)

(39) In the First Schedule Form 23 delete “of Industry and Resources”.

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(40) In the First Schedule before Form 24 insert:

**Form 24 Caveat**

(41) In the First Schedule before Form 24A insert:

**Form 24A Withdrawal of caveat**

(42) In the First Schedule before Form 25 insert:

**Form 25 Mortgage**

(43) In the First Schedule before Form 26 insert:

**Form 26 Discharge of mortgage**

(44) In the First Schedule before Form 26A insert:

**Form 26A Partial discharge of mortgage**

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(45) After the First Schedule Form 26A insert:

**Form 26B Tax memorial**

Form 26B WESTERN AUSTRALIA  
*Mining Act 1978*  
(s. 103C r. 84AA)  
**TAX MEMORIAL** No.

- (a) Type
- (b) Number

<b>Mining tenement</b>
(a)
(b)

- (c) Specify either transfer duty or landholder duty as appropriate

<b>Reason for memorial</b> <i>(Tick whichever is applicable)</i>
<input type="checkbox"/> This memorial is lodged under the <i>Taxation Administration Act 2003</i> section 77 to create a charge on the mining tenement specified above for unpaid stamp duty.
<input type="checkbox"/> This memorial is lodged under the <i>Taxation Administration Act 2003</i> section 77A to create a charge on the mining tenement specified above for unpaid (c) .....

DATED this                  day of                  20

- (d) Signature and designation of officer

(d) .....  
.....  
for Commissioner of State Revenue  
OFFICE OF STATE REVENUE

Office of State Revenue Bundle ID: Client ID:
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O F F I C E  U S E		Received at .....m. on ..... with fee of \$ ..... ..... (Mining Registrar)	
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**Form 26C Withdrawal of memorial**

Form 26C WESTERN AUSTRALIA  
*Mining Act 1978*  
 (s. 103C r. 84AB)

**WITHDRAWAL OF MEMORIAL** No.

- (a) Tax memorial number
- (b) Type
- (c) Number

<b>Tax memorial</b>
(a)
<b>Mining tenement</b>
(b)
(c)

The Commissioner of State Revenue hereby withdraws the tax memorial specified above registered against the mining tenement specified above.

DATED this            day of    20



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(d) Signature and designation of officer (d) .....  
 .....  
 for Commissioner of State Revenue  
 OFFICE OF STATE REVENUE

Office of State Revenue Bundle ID: Client ID:
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(e) Full name and address of person lodging withdrawal of memorial (e) .....  
 .....  
 .....

O F F I C E  U S E		Received at .....m.	
		on .....	
		with fee of \$ .....	
		..... (Mining Registrar)	

(46) In the First Schedule before Form 27 insert:

**Form 27 Quarterly mineral (excluding gold) production report**

(47) In the First Schedule before Form 27A insert:

**Form 27A Quarterly gold production report**

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(48) In the First Schedule before Form 28 insert:

**Form 28 Devolution**

(49) In the First Schedule Form 28 delete “application” (first occurrence).

(50) Delete the First Schedule Form 29 and insert:

**Form 29 Application for copy document**

Form 29                      WESTERN AUSTRALIA  
    *Mining Act 1978*  
    (r. 105)  
    **APPLICATION FOR COPY**  
    **DOCUMENT No.**

(a) Full name                      I, (a)

(b) Address                              of (b)

(c) Occupation                              (c)

sincerely declare that the document specified cannot be produced for the reasons indicated and request that a copy of the document be issued.

(d) Description of document

**Details of document**

(d)

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(e) State whether document lost, destroyed or obliterated as the case may be and the circumstances

<p><b>Reason for non-production</b></p> <p>(e)</p>
--

This declaration is true and I know that it is an offence to make a declaration knowing that it is false in a material particular.

This declaration is made under the *Oaths, Affidavits and Statutory Declarations Act 2005* at —

.....

on this ..... day of ..... 20 .....

by —

(f) Signature of person making declaration

(f)  
in the presence of —

(g) Signature of authorised witness

(g)

See Note 1.

O F F I C E  U S E		Received at .....m. on ..... with fee of \$ ..... ..... (Mining Registrar)	

Note 1: This declaration may be made before a person who is an authorised witness for a statutory declaration under the *Oaths, Affidavits and Statutory Declarations Act 2005* section 12(6).

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(51) In the First Schedule before Form 30 insert:

**Form 30 Application to amend**

(52) In the First Schedule Form 30:

(a) after “Mining Tenement” insert:

or

(b) delete “of Mines”.

(53) In the First Schedule before Form 31 insert:

**Form 31 Power of attorney**

(54) In the First Schedule before Form 32 insert:

**Form 32 Security**

(55) In the First Schedule before Form 33 insert:

**Form 33 Complaint**

(56) In the First Schedule before Form 34 insert:

**Form 34 Summons**

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(57) In the First Schedule before Form 35 insert:

**Form 35 Affidavit of service**

(58) In the First Schedule before Form 35A insert:

**Form 35A Application for forfeiture under section 96(1)(b) or 98**

(59) In the First Schedule before Form 36 insert:

**Form 36 Response**

(60) In the First Schedule before Form 36A insert:

**Form 36A Interlocutory application**

(61) In the First Schedule before Form 37 insert:

**Form 37 Summons to witness**

(62) In the First Schedule before Form 38 insert:

**Form 38 Judgment of a warden's court/determination of a warden**

(63) In the First Schedule before Form 42 insert:

**Form 42 Notice of appeal under section 147**

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(64) In the First Schedule before Form 43 insert:

**Form 43 Injunction**

(65) In the First Schedule before Form 44 insert:

**Form 44 Report of approved surveyor****82. Second Schedule amended**

(1) In the Second Schedule delete:

**Second Schedule  
Schedule of fees and rents**

and insert:

**Schedule 2 — Fees and rents**

[r. 2, 4D(2), 16C(2), 23BA(2), 25B, 28A(1), 64(1b) and (1c), 84D, 109(1) and (3), 121(2), 163(2) and (4), and 165(7)(f)]

(2) In the Second Schedule item 10 delete:

Transfer —		
Mining Tenement .....	Reg. 75	96.00
Mortgage .....	Reg. 84	96.00

and insert:

Tax memorial .....	Reg. 84A	96.00
Transfer —		
Mining Tenement .....	Reg. 75	96.00
Mortgage .....	Reg. 84	96.00
Withdrawal of memorial .....	Reg. 84A	6.25

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**r. 83****83. Third Schedule amended**

- (1) In the Third Schedule delete:

**Third Schedule — Transitional provisions relating to  
Geocentric Datum of Australia**

[r. 89A]

and insert:

**Schedule 3 — Transitional provisions relating to  
Geocentric Datum of Australia**

[r. 89A]

- (2) After the Third Schedule clause 4(3a) insert:

(4A) Subclauses (1) and (2) do not apply if —

- (a) the land that becomes available from an existing exploration licence has been included in an application under section 100(1); and
- (b) a mining tenement has been granted in respect of the application.

- (3) In the Third Schedule clause 4(5) delete “98)” and insert:

99)

**Mining Amendment Regulations 2009****r. 84**

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**84. Schedule 4 amended**

In Schedule 4 clause 3 delete “Unless a lawyer has made a written agreement as to costs with a client under the provisions of the *Legal Practice Act 2003* section 221,” and insert:

In the absence of a costs agreement under the *Legal Profession Act 2008* or the repealed *Legal Practice Act 2003*,

**85. Various references to “the Second Schedule” amended**

In the provisions listed in the Table delete “the Second Schedule” and insert:

Schedule 2

**Table**

r. 2 def. of <i>prescribed fee</i>	r. 4D(2)
r. 16C(2)	r. 23BA(2)
r. 25B	r. 28A(1)
r. 64(1b) and (1c)	r. 84D
r. 109(1) and (3)	r. 121(2)
r. 163(2) and (4)	r. 165(7)(f)

By Command of the Lieutenant-Governor and deputy of the Governor,

PETER CONRAN, Clerk of the Executive Council.