Mining Amendment Regulations (No. 2) 2003

Made by the Governor in Executive Council.

1. **Citation**

These regulations may be cited as the *Mining Amendment Regulations (No. 2) 2003*.

2. **The regulations amended**

The amendments in these regulations are to the *Mining Regulations 1981*. [*Reprinted as at 25 July 2002. For amendments to 16 July 2003 see Western Australian Legislation Information Tables for 2002, Table 4, p. 249 and Gazette 20 June 2003.]*

3. **Regulation 37 amended**

(1) Regulation 37(1) is repealed and the following subregulation is inserted instead —

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(1) A miscellaneous licence shall be marked out —
(a) by erecting a post (the "datum post") projecting not less than one metre above the ground at a corner or angle of the boundaries of the land in respect of which the licence is sought; and
(b) by affixing to the datum post a notice in the Form No. 20 in the First Schedule and a map as referred to in section 93(2).
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(2) Regulation 37(1a) is repealed.

4. **Regulation 59 amended**

After regulation 59(3) the following subregulation is inserted —

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(4) This regulation does not apply to the marking out of a miscellaneous licence.
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5. **Regulation 70E inserted**

After regulation 70D the following regulation is inserted —

70E. **Partial refund of application fee in certain circumstances**

An applicant for a mining tenement is entitled to a refund of $110 of the application fee paid by the applicant if —

(a) the application is withdrawn or refused before any public notification required under Part 2 Division 3 of the *Native Title Act 1993* of the Commonwealth in connection with the application occurs; or

(b) the Director General of Mines is satisfied that there is no requirement for such public notification in connection with the application.

6. **Regulation 96C amended**

(1) After regulation 96C(1) the following subregulation is inserted —

(1a) The cost of an Aboriginal heritage survey conducted on land while the land was the subject of an application for a mining tenement may be used in the calculation of expenditure expended on, or in connection with, mining on that mining tenement during the first year of its term.

(2) Regulation 96C(2) is amended by inserting after “(1)” —

“(1a),

or (1a)”.

(3) After regulation 96C(3) the following subregulation is inserted —

(3a) The cost of cutting and polishing minerals for use as samples may be used in the calculation of expenditure expended on, or in connection with, mining on the mining tenement.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.