

MP301*

Mining Act 1978

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- (1) Regulation 37(1) is repealed and the following subregulation is inserted instead —

“

- (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).

”.

- (2) Regulation 37(1a) is repealed.

4. Regulation 59 amended

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

“

- (4) This regulation does not apply to the marking out of a miscellaneous licence.

”.

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- (a) the application is withdrawn or refused before any public notification required under Part 2 Division 3 of the *Native Title Act 1993* of the Commonwealth in connection with the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