

Mining Amendment Regulations (No. 2) 2001

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Mining Amendment Regulations (No. 2) 2001*.

2. The regulations amended

The amendments in these regulations are to the *Mining Regulations 1981**.

[* Reprinted as at 21 July 2000.

For amendments to 16 January 2001 see Gazette 15 December 2000 and 5 January 2001.]

3. Regulations 12, 18, 23C, 25, 34 and 39 repealed

Regulations 12, 18, 23C, 25, 34 and 39 are repealed.

4. Regulation 16A amended

Regulation 16A(1)(b)(ii) is amended by deleting “rent pursuant to regulation 12(b)” and inserting instead —

“ prescribed rent ”.

5. Regulation 23A amended

Regulation 23A(1)(c)(ii) is amended by deleting “rent pursuant to regulation 18(b)” and inserting instead —

“ prescribed rent ”.

6. Regulation 23F amended

Regulation 23F(1)(b)(iv) is amended by deleting “rent pursuant to regulation 23C(b)” and inserting instead —

“ prescribed rent ”.

7. Regulation 29 amended

Regulation 29(1)(b)(ii) is amended by deleting “rent pursuant to regulation 25(b)” and inserting instead —

“ prescribed rent ”.

8. Regulation 36A amended

Regulation 36A(1)(b)(ii) is amended by deleting “rent pursuant to regulation 34(b)” and inserting instead —

“ prescribed rent ”.

9. Regulation 42A amended

Regulation 42A(1)(b)(ii) is amended by deleting “rent pursuant to regulation 39(b)” and inserting instead —

“ prescribed rent ”.

10. Regulation 64 amended

- (1) Regulation 64(1) is amended by deleting “with the prescribed fees and rent”.

- (2) After regulation 64(1a) the following subregulations are inserted —

“

- (1b) The prescribed application fee for a mining tenement is set out in item 2 of the Second Schedule.
- (1c) An application for a mining tenement must be accompanied by ten elevenths of the annual rent set out in item 1 of the Second Schedule for that tenement.

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11. Regulation 69A inserted

After regulation 69 the following regulation is inserted —

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69A. GST to be paid at time of grant of application

- (1) In this regulation —
“**prescribed application**” means an application for a mining tenement that is made after 5 February 2001.
- (2) A prescribed application shall not be granted unless the applicant pays one eleventh of the annual rent that was prescribed for that tenement at the time the application was made.
- (3) Written notice requiring the payment of the amount referred to in subregulation (2) within 30 days of the date of the issue of the notice may be given to the applicant.
- (4) If an applicant does not pay the amount referred to in subregulation (3) as required by such a notice, the prescribed application may be refused.

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12. Regulation 93 repealed

Regulation 93 is repealed.

13. Regulation 109 amended

- (1) Regulation 109(1) is amended by deleting “and rents”.
- (2) After regulation 109(2) the following subregulations are inserted —

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- (3) For the purposes of the Act, the prescribed rent, including GST, for a mining tenement for a year is that set out in item 1 of the Second Schedule for that tenement.

- (4) The prescribed rent for a mining tenement for the second and subsequent years of the term of the tenement shall be paid yearly in advance within one month after the anniversary of the date on which the term commenced.

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14. Regulation 109A replaced

Regulation 109A is repealed and the following regulation is inserted instead —

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109A. GST to be paid on certain applications

- (1) This regulation applies to an application for a mining tenement if —
 - (a) the application was made before 5 February 2001;
 - (b) the rent for the first year of the term of the tenement paid in advance at the time the application was made did not include an amount for GST; and
 - (c) the application was not granted before 5 February 2001.
- (2) An application to which this regulation applies shall not be granted unless the applicant pays an amount that is 10% of the rent that was paid at the time the application was made.
- (3) Written notice requiring the payment of the amount referred to in subregulation (2) within 30 days of the date of the issue of the notice may be given to the applicant.
- (4) If an applicant does not pay the amount referred to in subregulation (2) as required by such a notice, the prescribed application may be refused.

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15. Second Schedule amended

The Second Schedule is amended in items 1 and 2 by deleting the second column (being the column containing cross references to provisions of the *Mining Regulations 1981*).

By Command of the Governor,

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