MINING ACT 1978
MINING AMENDMENT REGULATIONS 1997

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the Mining Amendment Regulations 1997.
Principal regulations

2. In these regulations the *Mining Regulations 1981* are referred to as the principal regulations.

[* Reprinted as at 18 March 1996. For amendments to 18 March 1997 see Gazette 19 April and 13 September 1996.]

Regulation 10 amended

3. Regulation 10 (2) (a) of the principal regulations is amended by deleting “of Mines” in the second place where it occurs.

Regulation 23B amended

4. Regulation 23B (2) of the principal regulations is amended by deleting “70D (7)” and substituting the following —

“ 70D (9) ”.

Regulation 42B amended

5. Regulation 42B of the principal regulations is amended by inserting after paragraph (i) the following paragraph —

“ (ia) a search for groundwater; ”.

Regulation 54 amended

6. Regulation 54 (3) of the principal regulations is amended —

(a) by deleting “, prior to the hearing or determination of the application,”; and

(b) by deleting “exemption.” and substituting the following —

“ exemption —

(a) within 28 days of the lodgement of the application; or

(b) within such further period as the Director General of Mines may approve prior to the expiry of the period referred to in paragraph (a). ”.

Regulation 55 amended

7. Regulation 55 of the principal regulations is amended by inserting after “section 102” the following —

“ , or within such further period as the warden considers reasonable, ”.

Regulation 64 amended

8. Regulation 64 of the principal regulations is amended by inserting after subregulation (5) the following subregulation —

“ (5a) Subregulation (5) does not apply in relation to an application for a special prospecting licence under section 56A, 70 or 85B. ”.

Regulations 66A and 67A repealed

9. Regulations 66A and 67A of the principal regulations are repealed.
Regulation 86E amended

10. Regulation 86E of the principal regulations is amended by deleting "Department of Main Roads" and substituting the following —

"department principally assisting the Minister to whom the administration of the Main Roads Act 1930 is committed in the administration of that Act"

Regulation 106 amended

11. Regulation 106 (1) and (2) of the principal regulations are amended by deleting "Mining Registrar" and substituting in each case the following —

"mining registrar".

Regulation 109 amended

12. Regulation 109 of the principal regulations is amended —

(a) by inserting after the regulation designation "109." the subregulation designation "(1)";

(b) by deleting "Fees" and substituting the following —

"Subject to subregulation (2), fees"; and

(c) by inserting the following subregulation —

"(2) The bailiff fees set out in Part II of the Appendix to the Local Court Rules 1961 are, so far as they are applicable, prescribed as the bailiff fees payable in relation to proceedings under the Act."

Regulation 110 amended

13. Regulation 110 (1) of the principal regulations is amended by deleting "Mining Registrar" and substituting the following —

"mining registrar".

Regulation 112 amended

14. Regulation 112 (1) (a) of the principal regulations is amended by inserting after "26" the following —

"or 70F".

Regulation 127A amended

15. Regulation 127A of the principal regulations is amended —

(a) by inserting "and" after paragraph (a);

(b) by deleting paragraphs (b) and (c) and "and" after paragraph (b) and substituting the following paragraph —

"(b) Manager, "; and

(c) by deleting "department" and substituting the following —

"Department".
First Schedule amended

16. The First Schedule to the principal regulations is amended —

(a) under the heading "Schedule of Forms" —

(i) by deleting "16A. Notice of Objection — Rights of Traditional Usage";

(ii) by deleting "21A. Report of approved surveyor.");

(iii) by inserting after "24. Caveat." the following —

" 24A. Withdrawal of Caveat. "; and

(iv) by inserting after "43. Injunction." the following —

" 44. Report of Approved Surveyor. ";

(b) in the heading to Form No. 7 by deleting "70B" and substituting the following —

" 116 ";

(c) in the heading to Form No. 9 by inserting after "23A," the following —

" 23F, ";

(d) by deleting Form No. 16A;

(e) in Form No. 17 by deleting "Mining Registrar's office" and substituting the following —

" office of the mining registrar ";

(f) in Form No. 18 by deleting "Mining Registrar's office" and substituting the following —

" office of the mining registrar ";

(g) in Form No. 21 —

(i) by deleting —

" OBJECTIONS to this application may be lodged at the Mining Registrar's office at .............. on or before the ........ day of ........ 19 ....... (see Note 4) and the hearing will take place on the ........ day of ........ 19 ....... ",

and substituting the following —

" OBJECTIONS to this application may be lodged at the office of the mining registrar at .............. on or before the ........ day of ........ 19 ....... (see Note 4). Where an objection to this application is lodged the hearing will take place on a date to be set. ",

and

(ii) by deleting "OBJECTIONS on grounds relating to rights of traditional usage must be lodged on or before the ........ day of ........ 19 ....... ";

(h) in the heading to Form No. 32 by deleting "Secs. 70F, 126" and substituting the following —

" Sec. 126 "; and
(i) in Form No. 39 by inserting after “FORTHWITH TO LEVY” the following —
   "BY DISTRESS AND SALE OF THE GOODS ".

Second Schedule amended

17. (1) The Second Schedule to the principal regulations is amended in item 1 by deleting —

   "Miscellaneous licence per hectare or part thereof ........................................ Reg. 39  9.30"

and substituting the following —

   "Miscellaneous licence per hectare or part thereof —

(a) for the purpose referred to in regulation 42B (ia) ................ Reg. 39  0.30

(b) for any other purpose ................ Reg. 39  9.30"

(2) The Second Schedule to the principal regulations is further amended by deleting item 14.

By His Excellency’s Command, J. PRITCHARD, Clerk of the Council.