

**MINERALS AND ENERGY**

MN301

**MINING ACT 1978****MINING AMENDMENT REGULATIONS 1993**

Made by His Excellency the Governor in Executive Council.

**Citation**

1. These regulations may be cited as the *Mining Amendment Regulations 1993*.

**Principal regulations**

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

[\*Reprinted in the Gazette of 11 August 1988. For amendments to 11 March 1993 see 1991 Index to Legislation of Western Australia, pp. 425-6 and Gazettes of 3 July, 31 July and 18 December 1992.]

**Regulation 16 amended**

3. Regulation 16 of the principal regulations is amended—
  - (a) by inserting after the regulation designation “16.” the subregulation designation “ (1) ”; and
  - (b) by inserting the following subregulation—

“ (2) A person who, in a report required under section 51 of the Act, gives information that the person knows is false or misleading in a material respect commits an offence. ”.

**Regulation 22 amended**

4. Regulation 22 of the principal regulations is amended—
  - (a) by inserting after the regulation designation “22.” the subregulation designation “ (1) ”; and
  - (b) by inserting the following subregulation—

“ (2) A person who, in a report required under section 68 (2) of the Act, gives information that the person knows is false or misleading in a material respect commits an offence. ”.

**Regulation 32 amended**

5. Regulation 32 of the principal regulations is amended—
  - (a) by inserting after the regulation designation “32.” the subregulation designation “ (1) ”; and
  - (b) by inserting the following subregulation—

“ (2) A person who, in a report required under section 82 (1) of the Act, gives information that the person knows is false or misleading in a material respect commits an offence. ”.

**Regulation 59 amended**

6. (1) Regulation 59 (1) of the principal regulations is amended by deleting paragraphs (a) and (b) and substituting the following paragraphs—

“ (a) by fixing firmly in the ground—

(i) at or as close as practicable to each corner or angle of the land concerned;  
or

(ii) if there is an existing survey mark at a corner or angle of the land concerned, as close as practicable to the survey mark without moving, changing or otherwise interfering with the survey mark,

a post projecting at least 1 metre above the ground;

(b) subject to subregulation (3), by either—

(i) cutting 2 clearly identifiable trenches; or

(ii) placing 2 clearly identifiable rows of stones,

each at least 1 metre long from each post in the general direction of the boundary lines; ”.

(2) Regulation 59 (2) of the principal regulations is amended by inserting after “common posts” the following—

“ and, if required, common trenches or common rows of stones ”.

(3) Regulation 59 of the principal regulations is amended by inserting after subregulation (2) the following subregulation—

“ (3) Where a post is fixed as close as practicable to an existing survey mark under subregulation (1)(a)(ii), marking out in the manner described in subregulation (1)(b) is not required. ”.

**Regulation 60 repealed and a regulation substituted**

7. Regulation 60 of the principal regulations is repealed and the following regulation is substituted—

**“ Stones used to support posts**

60. Where, because of the nature of the ground, it is not practicable to fix posts firmly in the ground as required by regulation 59 (1), stones may be used to support the posts. ”.

**Regulation 61 amended**

8. Regulation 61 of the principal regulations is amended by deleting the words after “by fixing” and substituting the following—

“

(a) at a corner of the boundaries; or

(b) if there is an existing survey mark at a corner of the boundaries, as close as practicable to the survey mark without moving, changing or otherwise interfering with the survey mark,

a datum post to which the notice of marking out in the form No. 20 in the First Schedule is affixed ”.

**Regulation 64 amended**

9. Regulation 64 of the principal regulations is amended by repealing subregulation (5) and substituting the following subregulation—

“ (5) The applicant shall cause an advertisement, containing such particulars of the application as the Director General of Mines requires, to be published—

(a) in a newspaper or newspapers; and

(b) on a day of the week,

nominated by the Director General of Mines, within 14 days of the date of the application or within such further period as the warden considers reasonable. ”.

**Regulation 66 repealed and a regulation substituted**

10. Regulation 66 of the principal regulations is repealed and the following regulation is substituted—

**“ Description of boundaries**

66. The boundaries of every mining tenement applied for, other than an exploration licence, shall be described from either—

(a) an existing survey mark;

(b) a prominent ground feature shown on the public plans of the Department;

(c) latitude and longitude; or

(d) Australian Map Grid co-ordinates. ”.

**Regulation 67 amended**

11. Regulation 67 of the principal regulations is amended in subregulations (1) and (2) (b) by deleting "30" in each case and substituting the following—

“ 35 ”.

**Regulation 117 amended**

12. Regulation 117 (2) (a) of the principal regulations is amended by inserting after "*Licensed Surveyors (Guidance of Surveyors) Regulations 1961*" the following—

“ or a procedure approved by the Director ”.

By His Excellency's Command,

D. G. BLIGHT, Clerk of the Council.

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