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## MINERALS AND PETROLEUM

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MP301

Mining Act 1978

### **Mining Amendment Regulations 2019**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Mining Amendment Regulations 2019*.

**2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on 16 December 2019.

**3. Regulations amended**

These regulations amend the *Mining Regulations 1981*.

**4. Regulation 2 amended**

In regulation 2 insert in alphabetical order:

*term* of a mining tenement means the period for which the tenement remains in force whether as originally granted or as renewed, extended or otherwise continued;

**5. Regulation 16B amended**

(1) In regulation 16B(1):

(a) in paragraph (b) delete “Form 9; and” and insert:

Form 9.

(b) delete paragraph (c).

(2) Delete regulation 16B(2) and insert:

(2) Before the end of the period of 14 days from the day on which the application is lodged, the applicant must lodge information in support of the proposed ground for extension.

(3) If the licence is continued in force under the Act pending the determination of the application and the application is refused —

(a) if the prescribed rent has been paid under regulation 109(4) — a pro rata refund of rent is to be paid to the applicant in respect of each whole month of the remaining period for which rent has been paid commencing on the day on which the application is refused;

(b) if the prescribed rent has not been paid under regulation 109(4) — rent is to be paid by the applicant in respect of each whole month from the last anniversary date of the commencement of the term of the licence until and including the month during which the application is refused.

**6. Regulation 23A amended**

(1) In regulation 23A(1):

(a) in paragraph (b) delete “Form 9; and” and insert:

Form 9.

(b) delete paragraph (c).

- (2) Delete regulation 23A(2) and insert:
- (2) Before the end of the period of 14 days from the day on which the application is lodged, the applicant must lodge —
- (a) information in support of the proposed ground for extension; and
  - (b) a summary of work already carried out under the licence; and
  - (c) a detailed programme of work proposed to be carried out under the licence.
- (3) If the licence is continued in force under the Act pending the determination of the application and the application is refused —
- (a) if the prescribed rent has been paid under regulation 109(4) — a pro rata refund of rent is to be paid to the applicant in respect of each whole month of the remaining period for which rent has been paid commencing on the day on which the application is refused;
  - (b) if the prescribed rent has not been paid under regulation 109(4) — rent is to be paid by the applicant in respect of each whole month from the last anniversary date of the commencement of the term of the licence until and including the month during which the application is refused.

**7. Regulation 23F amended**

- (1) Delete regulation 23F(1)(b).
- (2) Delete regulation 23F(2) and insert:
- (2) Before the end of the period of 14 days from the day on which the application is lodged, the applicant must lodge —
- (a) a report setting out a summary of any work and any investigations carried out under the licence; and
  - (b) a detailed programme of any work and any investigations proposed to be carried out under the licence; and
  - (c) a statutory declaration stating that mining of the identified mineral resource remains impracticable for one or more of the reasons referred to in section 70C(2) (and setting out

that reason or those reasons in the statutory declaration).

- (3) If the licence is continued in force under the Act pending the determination of the application and the application is refused —
  - (a) if the prescribed rent has been paid under regulation 109(4) — a pro rata refund of rent is to be paid to the applicant in respect of each whole month of the remaining period for which rent has been paid commencing on the day on which the application is refused;
  - (b) if the prescribed rent has not been paid under regulation 109(4) — rent is to be paid by the applicant in respect of each whole month from the last anniversary date of the commencement of the term of the licence until and including the month during which the application is refused.

#### **8. Regulation 29 amended**

- (1) Delete regulation 29(1)(b).
- (2) Delete regulation 29(2) and insert:
  - (2) If the lease is continued in force under the Act pending the determination of the application and the application is refused —
    - (a) if the prescribed rent has been paid under regulation 109(4) — a pro rata refund of rent is to be paid to the applicant in respect of each whole month of the remaining period for which rent has been paid commencing on the day on which the application is refused;
    - (b) if the prescribed rent has not been paid under regulation 109(4) — rent is to be paid by the applicant in respect of each whole month from the last anniversary date of the commencement of the term of the lease until and including the month during which the application is refused.

#### **9. Regulation 36A amended**

- (1) Delete regulation 36A(1)(b).

- (2) Delete regulation 36A(2) and insert:
- (2) If the lease is continued in force under the Act pending the determination of the application and the application is refused —
- (a) if the prescribed rent has been paid under regulation 109(4) — a pro rata refund of rent is to be paid to the applicant in respect of each whole month of the remaining period for which rent has been paid commencing on the day on which the application is refused;
  - (b) if the prescribed rent has not been paid under regulation 109(4) — rent is to be paid by the applicant in respect of each whole month from the last anniversary date of the commencement of the term of the lease until and including the month during which the application is refused.

**10. Regulation 42A amended**

- (1) Delete regulation 42A(1)(b).
- (2) Delete regulation 42A(2) and insert:
- (2) If the licence is continued in force under the Act pending the determination of the application and the application is refused —
- (a) if the prescribed rent has been paid under regulation 109(4) — a pro rata refund of rent is to be paid to the applicant in respect of each whole month of the remaining period for which rent has been paid commencing on the day on which the application is refused;
  - (b) if the prescribed rent has not been paid under regulation 109(4) — rent is to be paid by the applicant in respect of each whole month from the last anniversary date of the commencement of the term of the licence until and including the month during which the application is refused.

**11. Regulation 43 amended**

In regulation 43(1) delete “shall execute a surrender in the form of Form 12 and shall lodge the surrender with the instrument of lease or licence (if issued).” and insert:

must execute and lodge a surrender in the form of Form 12.

**12. Regulation 45 amended**

In regulation 45(3) delete “the instrument of lease or licence (if issued),”.

**13. Regulation 70A amended**

(1) Delete regulation 70A(1) and insert:

(1) In this regulation —

*application* means an application to amalgamate a secondary tenement under section 67A.

(1A) An application must be lodged together with a map of the secondary tenement.

(2) In regulation 70A(3) delete “an application to amalgamate a secondary tenement under section 67A(1)” and insert:

the application is under section 67A(1) and

**14. Regulation 75 amended**

In regulation 75(a) delete “the instrument of lease or licence (if issued) and”.

**15. Regulation 83 amended**

In regulation 83 delete “fee and the instrument of lease or licence (if issued).” and insert:

fee.

**16. Regulation 84 amended**

In regulation 84 delete “fee and the instrument of lease or licence (if issued).” and insert:

fee.

**17. Regulation 84C amended**

In regulation 84C:

(a) after paragraph (a)(i) insert:

(ia) objections under Part IV of the Act; and

(ib) any devolution under regulation 102;  
and

- (ic) any application to amend particulars in the register under regulation 84E; and
  - (id) any agreement or determination under section 105A(3) as to the priority of the application; and
- (b) in paragraph (b)(vi) delete “tenement.” and insert:
- tenement; and
- (c) after paragraph (b)(vi) insert:
- (vii) objections under regulation 120A; and
  - (viii) applications relating to the tenement and the outcome of those applications; and
  - (ix) particulars of penalties imposed on the registered holder in lieu of forfeiture; and
  - (x) any additional conditions imposed in relation to the tenement after it is granted; and
  - (xi) particulars of securities referred to in section 26, 52(1a), 60(1a), 70F(2) or 84A(2) relating to the tenement; and
  - (xii) any devolution under regulation 102; and
  - (xiii) any application to amend particulars in the register under regulation 84E; and
  - (xiv) particulars received under section 143 of an injunction granted with respect to the tenement.

**18. Regulation 105 replaced**

Delete regulation 105 and insert:

**105. Application for copy document**

- (1) The holder of a mining tenement may apply to the Department for a copy of the instrument of lease or licence issued in respect of the mining tenement.
- (2) In the case of any other document issued by the Department, a person may apply to the Department for a copy of the document if —
  - (a) the document was issued to the person; or

- (b) the document was issued in respect of a mining tenement and the person is the holder of the mining tenement.
- (3) If an application for the issue of a copy of a document is made under this regulation in the form of Form 29 and is accompanied by the prescribed fee, a certified copy of the document is to be issued.

**19. Regulation 120A amended**

Delete regulation 120A(5) and insert:

- (5) When the warden has heard a dispute or objection under subregulation (4), the warden's recommendation relating to the dispute or objection must be forwarded by the warden to the Minister and the Minister must determine the dispute or objection.

**20. Schedule 1 Form 6 amended**

In Schedule 1 Form 6 delete "Mining Registrar" and insert:

Minister

**21. Schedule 1 Form 7 amended**

In Schedule 1 Form 7 delete "Mining Registrar" and insert:

Minister

**22. Schedule 1 Form 9 replaced**

Delete Schedule 1 Form 9 and insert:

**Form 9 Application for extension of term/renewal of a mining tenement**

Form 9 WESTERN AUSTRALIA  
*Mining Act 1978*  
 (Secs. 45, 61, 70E, 78, 88, 91A, 91B)  
 (Regs. 16B, 23A, 23F, 29, 36A, 42A)

**APPLICATION FOR EXTENSION OF TERM/RENEWAL OF A MINING TENEMENT**

No.

(a) Type of Tenement	Details of mining tenement (a)
(b) Number	(b)
(c) Mineral Field	(c)
(d) Expiry date	(d)

(e) Full name and address of holder(s)

Holder (e)
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THE HOLDER of the abovementioned mining tenement hereby applies for extension/renewal of the mining tenement.

DATED THIS        day of        20

(f) Signature of holder or agent

Signed (f):.....

(g) If agent, full name and address of agent

Full name (g):.....

Address (g):.....

OFFICIAL USE

Received at.....am/pm on..... 20.....

.....  
Mining Registrar

- NOTES:
1. Reporting obligations under the regulations must be complied with to enable consideration of this application.
  2. If this application is for an extension of a prospecting licence or an exploration licence, or a renewal of a retention licence, any information or other material required by regulation 16B(2), 23A(2) or 23F(2) (whichever applies) must be lodged before the end of the period of 14 days from the day on which this application is lodged.

**23. Schedule 1 Form 19 amended**

In Schedule 1 Form 19:

(a) delete "Mining Registrar" and insert:

Minister

(b) delete:

..... Mineral Field

**24. Schedule 1 Form 29 replaced**

Delete Schedule 1 Form 29 and insert:

**Form 29 Application for copy document**

Form 29 WESTERN AUSTRALIA  
*Mining Act 1978*  
(r. 105)

**APPLICATION FOR COPY DOCUMENT No.**

(a) Name of applicant (a)

(b) Address of applicant of (b)

requests that a copy of the document described below be issued.

(c) Description of document

**Details of document**  
(c)

(d) *(Delete inapplicable)*

**Eligibility to apply for the copy**  
(d) • the document is an instrument of lease or licence and the applicant is the registered holder of the mining tenement  
• the document was issued to the applicant  
• the document was issued in respect of a mining tenement and the applicant is the registered holder of the mining tenement

(e) Signature of applicant or agent (if agent, state full name and address)

(e).....DATE.....

OFFICIAL USE

Received at .....am/pm on ..... 20....  
with fee of \$ .....

.....  
Mining Registrar

N. HAGLEY, Clerk of the Executive Council.