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Mining Act 1978

## **Mining Amendment Regulations (No. 4) 2012**

Made by the Governor in Executive Council.

### **1. Citation**

These regulations are the *Mining Amendment Regulations (No. 4) 2012*.

### **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 the day after that day.

### **3. Regulations amended**

These regulations amend the *Mining Regulations 1981*.

### **4. Regulation 23 amended**

In regulation 23(1):

- (a) delete “(which in this regulation includes a deemed surrender)”;
- (b) delete “surrendered, or deemed surrendered,” (each occurrence) and insert:

surrendered

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**5. Regulation 44 amended**

In regulation 44(1)(b) delete “section 65(1).” and insert:

section 65(4b).

**6. Regulation 64 amended**

(1) After regulation 64(2) insert:

(3A) The Director General of Mines must publish a notice of the application on the Department’s website.

(2) In regulation 64(3):

(a) after “56A,” insert:

58,

(b) delete “or” (second occurrence) and insert:

and

(c) delete “subregulations (5) and” and insert:

subregulation

(3) Delete regulation 64(5).

(4) In regulation 64(5a) delete “Subregulation (5)” and insert:

Subregulation (3A)

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- (5) In regulation 64(5b) delete “Subregulation (5)” and insert:

Subregulation (3A)

- (6) In regulation 64(6) delete “Act and these regulations,” and insert:

Act,

- (7) In regulation 64(7) delete “or (5)”.

**7. Regulation 84C amended**

In regulation 84C:

- (a) in paragraph (b)(vi) delete “tenement;” and insert:

tenement.

- (b) delete paragraph (c).

**8. Regulation 84E replaced**

Delete regulation 84E and insert:

**84E. Amendment of register**

An application to amend particulars in the register must be —

- (a) lodged in the form of Form 30; and  
(b) accompanied by a statutory declaration made by the applicant or a person authorised by the applicant stating the reasons for the requested amendment.

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**9. Regulation 96C amended**

After regulation 96C(1a) insert:

- (2) The cost of any rehabilitation activities carried out on land disturbed by mining operations on a mining tenement may be used in the calculation of expenditure expended on, or in connection with, mining on the mining tenement.

**10. Regulation 111 amended**

In regulation 111(1)(c) delete “business or, in the case of proceedings under Part VII or VIII, to any address provided under regulation 127B; or” and insert:

business; or

**11. Regulation 122A inserted**

After regulation 121 insert:

**122A. Lodging proceedings documents through Department’s website**

- (1) Subject to the requirements of the Department’s website and this regulation, a person may lodge electronically a document in relation to proceedings in the warden’s court by lodging an electronic version of it by means of the Department’s website.
- (2) If a document is or must be signed by a person who is not, or who is not acting on behalf of, the person lodging it, the document cannot be lodged electronically unless it is an affidavit.

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- (3) If a document is in a form that, before it is lodged, is required to be signed by or on behalf of the person lodging it and the document is being lodged electronically —
  - (a) the document need not be signed by that person; and
  - (b) the person lodging the document electronically must ensure that the electronic version of the document, instead of showing a signature at any place where a signature is required, states the name of the person whose signature is required at the place.
- (4) A person who lodges an affidavit electronically must either lodge an electronic version of it that includes the signatures on it or —
  - (a) lodge an electronic version of it that does not include the signatures on it; and
  - (b) ensure that the electronic version, instead of showing a signature at any place where a signature appears in the paper version, states the name of the person whose signature it is; and
  - (c) also lodge an undertaking that the person —
    - (i) has possession of the paper version signed according to law; and
    - (ii) will retain the paper version subject to any order of the warden's court.
- (5) A document that is lodged electronically after 4.30 p.m. on a working day and before 8.30 a.m. on the next working day is to be taken to have been lodged at 8.30 a.m. on that next working day.

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- (6) If a document is sent electronically to the Department but not in accordance with the requirements of the Department's website and this regulation —
  - (a) the document is to be taken not to have been lodged; and
  - (b) the mining registrar must notify the person who sent it of the fact.
- (7) A person who lodges a document electronically must have the paper version of the document with him or her at any hearing of the relevant proceedings.
- (8) The warden's court may, at any time, order a person who has lodged a document electronically to lodge the paper version of the document.
- (9) This regulation does not affect, and is not affected by, regulation 59B.

**12. Regulation 122 amended**

In regulation 122(2) after "been" insert:

endorsed on the plaint and

**13. Regulation 123 amended**

In regulation 123(1):

- (a) in paragraph (a) delete "hearing date a mention; and" and insert:

mention hearing date; and

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- (b) in paragraph (c) delete “issue a summons in the form of Form 34 in duplicate” and insert:

endorse a summons on the plaint

- (c) in paragraph (c) after “service” insert:

in accordance with regulation 124

- (d) in paragraph (c)(iii) delete “regulation 124.” and insert:

that regulation.

**14. Regulation 124 inserted**

After regulation 123 insert:

**124. Service of summons**

- (1) A summons endorsed on a plaint under regulation 123(1)(c) must be served personally on a respondent.
- (2) For the purposes of subregulation (1), a summons is served personally on a respondent if it is served in accordance with regulation 150AB.

**15. Regulation 125 amended**

- (1) In regulation 125(1a) in the definition of *summons* delete “under regulation 123” and insert:

endorsed on a plaint under regulation 123(1)(c)

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- (2) In regulation 125(1) delete “30 days” and insert:

14 days

**16. Regulation 127 amended**

Delete regulation 127(2) and insert:

- (2) For the purposes of subregulation (1), a witness summons is served personally on a witness if it is served in accordance with regulation 150AB(1).

**17. Regulation 127A amended**

- (1) Delete regulation 127A(1)(b) and insert:

- (b) unless these regulations provide otherwise or the warden’s court otherwise directs, the party must serve the document —
- (i) on each other party within 14 days after the document is lodged; and
  - (ii) by ordinary service in accordance with regulation 127CA.

- (2) Delete regulation 127A(2).

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**18. Regulation 127B replaced**

Delete regulation 127B and insert:

**127B. Address for service of lodged documents**

- (1) A document lodged in relation to proceedings in the warden's court must specify a residential, business or postal address for service.
- (2) If the party lodging the document is represented by a lawyer, the address for service must be the principal place of business of the lawyer.
- (3) The address for service specified in a document is to be taken to be the party's address for service under this Part until —
  - (a) if the document specifies the address of a lawyer under subregulation (2), the lawyer lodges a notice —
    - (i) stating that the lawyer no longer acts for the party; and
    - (ii) specifying the party's new address for service if it is known to the lawyer;
  - or
  - (b) a notice of change of address is lodged by the party.
- (4) If a party's address for service under this regulation changes after the lodgment of a document in relation to proceedings, the party must lodge and serve a notice of change of address as soon as practicable after the change occurs.

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**127CA. Ordinary service**

- (1) In order to serve a document by ordinary service, a person must —
  - (a) deliver the document, or send it by pre-paid post —
    - (i) if an address has been provided under regulation 127B(1), to that address; or
    - (ii) if an address has not been provided under regulation 127B(1), to the person's usual or last known place of residence or principal or last known place of business, as the case may be;
  - or
  - (b) if an electronic address has been provided under regulation 127CB serve the document in accordance with regulation 127CC; or
  - (c) serve the document as directed by the warden.
- (2) This regulation does not prevent a person from consenting to being served in a manner other than in accordance with this Part.

**127CB. Electronic addresses for service**

- (1) For the purposes of enabling the service by fax of documents that under this Part are required to be served, a person may, in addition to providing an address for service under regulation 127B(1), provide a fax number operating at that address.
- (2) For the purposes of enabling the service by email of documents that under this Part are required to be served, a person may, in addition to providing an address for service under regulation 127B(1), provide an email address operating at that address.

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- (3) If a lawyer practises in a business with one or more other lawyers or people —
  - (a) any fax number provided under subregulation (1) must be the fax number of the business and not that of the lawyer personally; and
  - (b) any email address provided under subregulation (2) must be the email address of the business and not that of the lawyer personally.
- (4) A person who under this regulation provides an email address or a fax number is to be taken to consent to being served with documents by fax at that fax number, or as an attachment to an email sent to that email address, as the case may be.
- (5) If a party's fax number or email address provided under this regulation changes, the party must lodge with the warden and serve a notice of change of address as soon as practicable after the change occurs.

**127CC. Service electronically**

- (1) If under this Part a party is required to serve a document, then, unless the contrary intention appears, the party may serve the document —
  - (a) if the party to be served has provided a fax number under regulation 127CB(1), by sending the document by fax to that number; or
  - (b) if the party to be served has provided an email address under regulation 127CB(2), by sending the document as an attachment to an email sent to that address.

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- (2) A document that is served by fax must have a cover page stating —
  - (a) the sender's name, postal address, telephone number and fax number; and
  - (b) the number of pages (including the cover page) being sent by fax.
- (3) A person that serves a document by fax must —
  - (a) endorse the first page of the original document with —
    - (i) a statement that the document is the original of a document sent by fax; and
    - (ii) the date and time the document was sent by fax;
  - and
  - (b) keep the endorsed original document and the fax machine's report evidencing the successful transmission of the document; and
  - (c) if directed to do so by the warden, produce the items in paragraph (b) to the warden.
- (4) A document that is served by email or fax on a person is to be taken to have been served —
  - (a) if the whole document is sent before 4.30 p.m. on a working day, on that day;
  - (b) otherwise, on the next working day.
- (5) Subregulation (1), with any necessary changes, applies to the service by the warden of any document on a party.
- (6) This regulation does not prevent a person from consenting to being served in a manner other than in accordance with this Part.

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r. 19**19. Regulation 139 amended**

In regulation 139(1) delete “Division,” and insert:

Part,

**20. Regulation 141 amended**

Delete regulation 141(3) and insert:

- (3) The respondent must serve a copy of the response on the applicant.

**21. Regulation 148 amended**

Delete regulation 148(b) and insert:

- (b) unless these regulations provide otherwise or the warden otherwise directs, the party must serve the document —
- (i) on each other party within 14 days after the document is lodged; and
  - (ii) by ordinary service in accordance with regulation 150AA.

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**22. Regulation 149 replaced**

Delete regulation 149 and insert:

**149. Address for service of lodged documents**

- (1) A document lodged in relation to proceedings must specify a residential, business or postal address for service.
- (2) If the party lodging the document is represented by a lawyer, the address for service must be the principal place of business of the lawyer.
- (3) The address for service specified in the document is to be taken to be the party's address for service under this Part until —
  - (a) if the document specifies the address of a lawyer under subregulation (2), the lawyer lodges a notice —
    - (i) stating that the lawyer no longer acts for the party; and
    - (ii) specifying the party's new address for service if it is known to the lawyer;
  - or
  - (b) a notice of change of address is lodged by the party.
- (4) If a party's address for service under this regulation changes after the lodgment of documents in relation to proceedings, the party must lodge and serve a notice of change of address as soon as practicable after the change occurs.

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**150AA. Ordinary service**

- (1) In order to serve a document by ordinary service, a person must —
  - (a) deliver the document, or send it by pre-paid post —
    - (i) if an address has been provided under regulation 149(1), to that address; or
    - (ii) if an address has not been provided under regulation 149(1), to the person's usual or last known place of residence or principal or last known place of business, as the case may be;
  - or
  - (b) if an electronic address has been provided under regulation 150A, serve the document in accordance with regulation 150B; or
  - (c) serve the document as directed by the warden.
- (2) This regulation does not prevent a person from consenting to being served in a manner other than in accordance with this Part.

**150AB. Personal service**

- (1) In order to serve a document on an individual personally, a person must —
  - (a) hand the document to the individual or, if the individual is a person under a legal disability, to the individual's parent, guardian or litigation guardian; or
  - (b) if the individual or the individual's parent, guardian or litigation guardian, as the case may be, does not accept the document, put the document down in his or her presence and

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advise him or her of the nature of the document; or

- (c) hand the document to a person who is authorised in writing to receive documents on behalf of the individual; or
  - (d) hand the document to someone at the individual's principal or last known place of residence or business who is believed, on reasonable grounds, to have reached 18 years of age; or
  - (e) hand the document to a lawyer who is acting for the individual.
- (2) In order to serve a document on a body corporate personally, a person must hand the document to —
- (a) a person who, on reasonable grounds, is believed to be a director of the body corporate who resides in Australia; or
  - (b) a lawyer who is acting for the body corporate.
- (3) In order to serve a document on a public authority personally, a person must —
- (a) hand the document to a person who, on reasonable grounds, is believed to be —
    - (i) the chief executive officer of the public authority; or
    - (ii) authorised to receive documents on behalf of the chief executive officer of the public authority;
- or
- (b) hand the document to a lawyer who is acting for the public authority.

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r. 23**150AC. Warden may dispense with personal service**

The warden may make an order dispensing with a requirement in this Part for a person to serve a document personally.

**23. Regulation 153 amended**

Delete regulation 153(3) and insert:

- (3) On receipt of the application, the warden must fix a date and time for the hearing of the application.

**24. Regulation 157 amended**

- (1) Delete regulation 157(2) and insert:

- (2) For the purposes of subregulation (1), a witness summons is served personally on a witness if it is served in accordance with regulation 150AB(1).

- (2) After regulation 157(4) insert:

- (5) The warden may set aside a witness summons issued under subregulation (1) if the warden is satisfied that —
  - (a) the witness does not have any evidence to give or any document to produce that is relevant to the hearing; or
  - (b) the witness cannot be lawfully compelled to give any evidence or produce any document at the hearing; or
  - (c) there are reasonable grounds for doing so.

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**25. Regulation 158 amended**

In regulation 158(2) and (3) delete “mining registrar” and insert:

warden

**26. Regulation 164 amended**

(1) In regulation 164(1):

(a) delete “an exhibit” and insert:

a thing

(b) delete “exhibit” (second and third occurrences) and insert:

thing

(2) In regulation 164(2):

(a) delete “an exhibit” and insert:

a thing

(b) delete “exhibit” (second occurrence) and insert:

thing

(c) delete “that exhibit —” and insert:

that thing —

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- (3) In regulation 164(3) delete “an exhibit” and insert:

a thing

- (4) In regulation 164(5) delete “exhibit” (each occurrence) and insert:

thing

Note: The heading to amended regulation 164 is to read:

**Return of documents and other things after hearing**

**27. Schedule 1 Form 1 amended**

In Schedule 1 Form 1 delete “Signature of Issuing Officer” and insert:

..... Signature of Issuing Officer  
..... Name of Issuing Officer

**28. Schedule 1 Form 1A amended**

In Schedule 1 Form 1A:

- (a) delete:

- (e) Make, model and registration number of vehicle(s) to be used

(e)

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and insert:

- (e) Make, model and registration number of vehicle(s) to be used (including any caravan or trailer)

(e)

(b) delete:

O F F I C E  U S E		Received at .....m.	Receipt No:
		on .....	
		with fee of \$.....	
		.....	
		(Mining Registrar/Customer Service Coordinator, Mineral Titles Division)	

and insert:

## OFFICIAL USE

Received at .....a.m./p.m. on ..... 20....

with fee of \$ .....

.....  
Mining Registrar

**Mining Amendment Regulations (No. 4) 2012****r. 29****29. Schedule 1 Form 2 amended**

In Schedule 1 Form 2 delete:

O F F I C E  U S E		Received at .....	
		on .....	
		with fee of \$.....	
		.....	
		(Mining Registrar)	

and insert:

OFFICIAL USE

Received at .....a.m./p.m. on ..... 20....

with fee of \$ .....

.....  
Mining Registrar**30. Schedule 1 Form 5 amended**

In Schedule 1 Form 5 delete:

Signature of  
holder or agent

and insert:

Signature of  
holder or agent (if  
agent, full name and  
address of agent)

**Mining Amendment Regulations (No. 4) 2012****r. 31****31. Schedule 1 Form 9 amended**

In Schedule 1 Form 9 delete:

(f) Signature of holder or agent      Signed (f) .....

O F F I C E  U S E		Received at .....m. on ..... together with rent of \$ for the year ending ...../...../..... ..... (Mining Registrar)	
---	--	---	--

and insert:

(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 .....a.m./p.m. on ..... 20....  
with rent of \$ ..... for the year ending ...../...../..........  
Mining Registrar

**Mining Amendment Regulations (No. 4) 2012****r. 32****32. Schedule 1 Form 12 amended**

In Schedule 1 Form 12:

(a) delete:

	<b>Holders sign here</b>	in the presence of	<b>Witnesses sign here</b>
(e) Signature of holder	(e) .....	(f) .....	.....
(f) Signature of witness	.....	.....	.....
	.....	.....	.....
	.....	.....	.....

and insert:

	<b>Holders sign here</b>	in the presence of	<b>Witnesses sign here</b>
(e) Signature of holder	(e) .....	(f) .....	.....
(f) Signature, full name and address of witness	.....	.....	.....
	.....	.....	.....
	.....	.....	.....

(b) delete:

O F F I C E  U S E		Received at .....m.	
		on .....	
		.....	
		(Mining Registrar)	

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and insert:

OFFICIAL USE

Received at .....a.m./p.m. on ..... 20

.....  
Mining Registrar

**33. Schedule 1 Form 14 amended**

In Schedule 1 Form 14:

(a) delete:

- (f) Signature of holder  
(g) Signature of witness

Holders sign here	in the presence of	Witnesses sign here
(f) .....	(g) .....	.....
.....	.....	.....
.....	.....	.....

and insert:

- (f) Signature of holder  
(g) Signature, full name and address of witness

Holders sign here	in the presence of	Witnesses sign here
(f) .....	(g) .....	.....
.....	.....	.....
.....	.....	.....

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(b) delete:

O F F I C E  U S E		Received at .....	
		on .....	
		with fee of \$ .....	
		.....	
		(Mining Registrar)	

and insert:

OFFICIAL USE

Received at .....a.m./p.m. on ..... 20....

with fee of \$ .....

.....

Mining Registrar

**34. Schedule 1 Form 16 amended**

In Schedule 1 Form 16 delete:

(e) Signature of ..... DATED this ..... day of ..... 20.....  
 objector/agent/lawyer (e) .....

THE TENEMENT APPLICANT AND OBJECTOR WILL BE ADVISED OF THE DATE  
 SET BY THE MINING REGISTRAR FOR THE MENTION HEARING FOR THE  
 APPLICATION (See Note).

OFFICIAL USE

Received at .....a.m./p.m. on ..... 20.....

.....

Mining Registrar

Note: A “mention hearing” is an initial hearing where the warden may give directions to the parties, set a hearing date and/or adjourn to a further mention hearing. A party who does not wish to attend in person or by lawyer or agent on the nominated mention hearing date must make written application not less than 7 days before the hearing. Costs may be awarded against a party for non-attendance.

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and insert:

- |   |                                       |
|---|---------------------------------------|
|   | DATED this ..... day of ..... 20..... |
| (e) Signature of<br>objector/agent/lawyer (see<br>Note 1) | (e) .....                             |
| (f) Address for service of<br>objector/agent/lawyer       | (f) .....                             |

**OFFICIAL USE**

THE MENTION HEARING FOR THE APPLICATION IS TO BE HEARD BEFORE  
THE WARDEN at .....on ..... day the ..... day of .....  
20..... at ..... a.m./p.m. (see Note 2).

Received at .....a.m./p.m. on ..... 20.....

.....

Mining Registrar

- NOTES: 1. If this form is signed by a person who is an employee of the objector, the person must state the person's full name and the position in which the person is employed.
2. A "mention hearing" is an initial hearing where the warden may give directions to the parties, set a hearing date and/or adjourn to a further mention hearing. A party who does not wish to attend in person or by lawyer or agent on the nominated mention hearing date must make written application not less than 7 days before the hearing. Costs may be awarded against a party for non-attendance.

**35. Schedule 1 Form 17 amended**

In Schedule 1 Form 17 delete:

- |                               |           |
|-------------------------------|-----------|
| (h) Signature of<br>applicant | (h) ..... |
|-------------------------------|-----------|

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O F F I C E  U S E	A NOTICE OF OBJECTION to this application may be lodged at any mining registrar's office at ..... on or before the ..... day of ..... 20..... and the hearing will take place on the ..... day of ..... 20.....		
		Received at .....m on ..... with fee of \$.....together with the outstanding rent of..... for the period ending .....  ..... (Mining Registrar)	Receipt No. .....

and insert:

- (h) Signature of applicant/ lawyer (see Note)      (h) .....
- (i) Address for service      (i) .....
- Tel      .....      Email      .....
- Fax      .....      Ref (if any)      .....

**OFFICIAL USE**

A NOTICE OF OBJECTION to this application may be lodged at any mining registrar's office on or before the ..... day of ..... 20..... and the hearing will take place on the ..... day of ..... 20.....

Received at .....a.m./p.m. on ..... 20..... with fee of \$..... together with the outstanding rent of \$..... for the period ending .... / .... / .....

.....

Mining Registrar

**NOTE:** If this form is signed by a person who is an employee of the applicant, the person must state the person's full name and the position in which the person is employed.

**Mining Amendment Regulations (No. 4) 2012****r. 36****36. Schedule 1 Form 18 amended**

In Schedule 1 Form 18 delete:

- (h) Signature of holder or authorised agent (h) .....

O F F I C E  U S E	OBJECTIONS to this application may be lodged at any mining registrar's office at ..... on or before the ..... day of ..... 20..... Where an objection to this application is lodged the hearing will take place on a date to be set.	
		Received at .....m on ..... with fee of \$.....  ..... (Mining Registrar)

and insert:

- (h) Signature of applicant/lawyer/agent (if agent, state full name and address) (h) .....
- (i) Address for service (i) .....
- Tel ..... Email .....
- Fax ..... Ref ..... (if any)

**OFFICIAL USE**

A NOTICE OF OBJECTION may be lodged at any mining registrar's office on or before the ..... day of ..... 20..... and the hearing will take place on the ..... day of ..... 20.....

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Received at .....a.m./p.m. on ..... 20....  
 with fee of \$ .....

.....  
 Mining Registrar

**37. Schedule 1 Form 20 amended**

In Schedule 1 Form 20 delete:

(b) Type of tenement (b)

and the following is a description of the boundaries thereof —

(c) Description of boundaries (c)

(d) Approximate area (ha/km<sup>2</sup>) (d)

Marking out was completed by fixing this notice at

(e) Time and date marking out completed (e) .m. on the day of 20 .

(f) Signature of applicant or agent (f) .....

and insert:

(b) Type of tenement (b)

and the following is a description of the ground being applied for (this description is to be identical to that

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included in Form 21 — APPLICATION FOR A MINING  
TENEMENT — when lodged) —

- (c) Locality (c)  
(d) Datum peg (d)  
(e) Description of boundaries (e)  
(f) Area (hectares) (f)

Marking out was completed by fixing this notice to the  
Datum Post at

- (g) Time and date marking out completed (g) m. on the day of 20  
(h) Signature of applicant or agent (if agent, full name and address) (h)

**38. Schedule 1 Form 21 amended**

In Schedule 1 Form 21 delete:

- (l) Signature of applicant or agent (l) ..... DATE .....

O F F I C E  U S E	OBJECTIONS to this application may be lodged at any mining registrar's office at ..... on or before the ..... day of ..... 20 ..... (see Note 4) Where an objection to this application is lodged the hearing will take place on a date to be set.			
	FEES PAID		\$	c
	Application			
	Rent			
	TOTAL			
Received at.....m on..... (Mining Registrar)		Map Ref.		Receipt No: SHIRE: Plan..... Scale .....

**Mining Amendment Regulations (No. 4) 2012****r. 39**

and insert:

- (l) Signature of applicant or agent  
(if agent, state full name and address)
- (l) ..... DATE .....

**OFFICIAL USE**

A NOTICE OF OBJECTION may be lodged at any mining registrar's office on or before the ..... day of ..... 20..... (see Note 4).

Where an objection to this application is lodged the hearing will take place on a date to be set.

Received at ..... a.m./p.m. on ..... 20..... with fees of —

Application	\$.....
Rent	\$.....
TOTAL	\$.....

Mining Registrar

**39. Schedule 1 Form 22 amended**

In Schedule 1 Form 22:

(a) delete:

- (e) Signature of applicant
- (f) Signature of witness

<b>Applicants sign here</b>	<b>in the presence of</b>	<b>Witnesses sign here</b>
(e) .....	(f) .....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

**Mining Amendment Regulations (No. 4) 2012****r. 39**

and insert:

	<b>Applicants sign here</b> in the presence of <b>Witnesses sign here</b>	
(e) Signature of applicant	(e) .....	(f) .....
	.....	.....
(f) Signature, full name and address of witnesses	.....	.....
	.....	.....

(b) delete:

O F F I C I A L  U S E		Received at .....m.	
		on .....	
		.....	
		(Mining Registrar)	

and insert:

OFFICIAL USE

Received at .....a.m./p.m. on ..... 20

.....  
Mining Registrar

**Mining Amendment Regulations (No. 4) 2012****r. 40****40. Schedule 1 Form 23 amended**

In Schedule 1 Form 23:

(a) delete:

STAMP DUTY
------------

(b) delete:

	TRANSFERORS sign here	TRANSFEREES sign here
(i) Signature of transferor	Signed (i) in the presence of (k)	Signed (j) in the presence of (k)
(j) Signature of transferee	Signed (i) in the presence of (k)	Signed (j) in the presence of (k)
(k) Signature of witness	Signed (i) in the presence of (k)	Signed (j) in the presence of (k)

and insert:

	TRANSFERORS sign here	TRANSFEREES sign here
(i) Signature of transferor	Signed (i) in the presence of (k) (name and address)	Signed (j) in the presence of (k) (name and address)
(j) Signature of transferee	Signed (i) in the presence of (k) (name and address)	Signed (j) in the presence of (k) (name and address)
(k) Signature of witness (include full name and address for witness to transferee)	Signed (i) in the presence of (k) (name and address)	Signed (j) in the presence of (k) (name and address)

r. 41

O F F I C E  U S E		Received at ..... a.m./p.m. on ..... with fee of \$ .....  ..... (Mining Registrar)	
---	--	--	--

.....  
Mining Registrar

Caveator or agent signs here

Signed (i) .....  
as agent (delete if not applicable)

Witness signs here  
in the presence of (j).....

and insert:

**Mining Amendment Regulations (No. 4) 2012****r. 42**

	Caveator or agent signs here
(i) Signature of caveator	Signed (i).....
(j) If agent, full name and address required	Signed (agent) (j)..... Full name..... Address.....
	Witness signs here
(k) Signature of witness (full name and address required)	in the presence of (k)..... Full name..... Address.....

(b) delete:

O F F I C E  U S E		Received at ..... a.m./p.m. on ..... with fee of \$.....	
		..... (Mining Registrar)	

and insert:

## OFFICIAL USE

Received at .....a.m./p.m. on ..... 20....  
with fee of \$ .....

.....  
Mining Registrar

**42. Schedule 1 Form 24A amended**

In Schedule 1 Form 24A:

**Mining Amendment Regulations (No. 4) 2012****r. 42**

(a) delete:

(c) Signature of  
caveator

Caveator or agent signs here

Signed (c) .....  
as agent (delete if not applicable)

Witness signs here

(d) Signature of  
witness

in the presence of (d) .....

and insert:

(c) Signature of  
caveator or agent

Caveator or agent signs here

Signed (c) .....  
(if agent, full name and address of agent)

Witness signs here

(d) Signature, full  
name and  
address of  
witnessin the presence of (d) .....  
Full name .....  
Address .....

(b) delete:

O F F I C E		Received at ..... a.m./p.m.	
		on .....	
		with fee of \$.....	
		..... (Mining Registrar)	

and insert:

**Mining Amendment Regulations (No. 4) 2012****r. 43**

## OFFICIAL USE

Received at .....a.m./p.m. on ..... 20....  
 with fee of \$ .....

.....  
 Mining Registrar

**43. Schedule 1 Form 25 amended**

In Schedule 1 Form 25:

(a) delete:

STAMP DUTY
------------

(b) delete:

(a) Signature of Mortgagor(s)

(b) Signature of witness

MORTGAGOR(S) sign here

Signed (a) .....  
 in the presence of (b) .....

Signed (a) .....  
 in the presence of (b) .....

and insert:

(a) Signature of  
Mortgagor(s)(b) Signature, full name and  
address of witness

MORTGAGOR(S) sign here

Signed (a) .....

in the presence of (b) .....

Full name.....

Address.....

Signed (a) .....

in the presence of (b) .....

Full name.....

Address.....

**Mining Amendment Regulations (No. 4) 2012****r. 44**

(c) delete:

O F F I C I A L  U S E		Received at ..... a.m./p.m. on ..... with fee of \$ .....  ..... (Mining Registrar)	
---	--	--	--

and insert:

## OFFICIAL USE

Received at .....a.m./p.m. on ..... 20....

with fee of \$ .....

 .....  
 Mining Registrar
**44. Schedule 1 Form 26 amended**

In Schedule 1 Form 26 delete:

in the presence of

(f) Signature of witness (f).....

O F F I C I A L  U S E		Received at .....m. on ..... with fee of \$.....  ..... (Mining Registrar)	
---	--	---	--

**Mining Amendment Regulations (No. 4) 2012****r. 45**

and insert:

in the presence of

- (f) Signature, full  
name and address  
of witness

(f) .....  
Full name .....  
Address .....

**LODGING PARTY**

- (g) Full name and  
address (for return  
of documents)

(g) **OFFICIAL USE**

Received at .....a.m./p.m. on ..... 20....  
with fee of \$ .....

.....  
Mining Registrar

**45. Schedule 1 Form 26A amended**

In Schedule 1 Form 26A:

- (a) delete:

- (f) Signature and/or  
company seal of  
(a) the above

- (g) Signature(s) of  
independent  
witness

SIGNATURE(S)	WITNESS(ES) TO SIGNATURE(S)
(f) ..... ..... ..... ..... <div style="text-align: center; margin-top: 20px;">             COMPANY SEAL              _____           </div>	(g) ..... ..... ..... .....

**Mining Amendment Regulations (No. 4) 2012****r. 45**

and insert:

	SIGNATURE(S)	WITNESS(ES) TO SIGNATURE(S)
(f) Signature and/or company seal of (a) the above	(f) ..... .....	(g) ..... .....
(g) Signature(s), full name(s) and address(es) of witness		

(b) delete:

O F F I C E  U S E		Received at .....m.	
		on .....	
		with fee of \$.....	
		.....	
		(Mining Registrar)	

**Mining Amendment Regulations (No. 4) 2012**

---

**r. 46**

and insert:

OFFICIAL USE

Received at .....a.m./p.m. on ..... 20....

with fee of \$ .....

.....

Mining Registrar

**46. Schedule 1 Forms 26B and 26C amended**

In Schedule 1 Forms 26B and 26C:

(a) delete:

(d) Signature and designation of officer	(d) .....
	.....
	for Commissioner of State Revenue
	OFFICE OF STATE REVENUE

and insert:

(d) Signature, full name and designation of officer	(d) .....
	.....
	for Commissioner of State Revenue
	OFFICE OF STATE REVENUE

**Mining Amendment Regulations (No. 4) 2012****r. 47**

(b) delete:

O F F I C E  U S E		Received at .....m. on ..... with fee of \$ ..... ..... (Mining Registrar)	
---	--	--	--

and insert:

## OFFICIAL USE

Received at .....a.m./p.m. on ..... 20....  
with fee of \$ .....

.....  
Mining Registrar

**47. Schedule 1 Form 28 amended**

In Schedule 1 Form 28 delete:

O F F I C E  U S E		Received at .....m. on ..... with fee of \$..... ..... (Mining Registrar)	
---	--	---	--

**Mining Amendment Regulations (No. 4) 2012****r. 48**

and insert:

## OFFICIAL USE

Received at .....a.m./p.m. on ..... 20....

with fee of \$ .....

.....

Mining Registrar

**48. Schedule 1 Form 29 amended**

In Schedule 1 Form 29 delete:

(g) Signature of  
authorised  
witness

(g)

See Note 1.

O F F I C E  U S E		Received at .....m. on ..... with fee of \$ ..... ..... (Mining Registrar)	

and insert:

(g) Signature, full  
name and address  
of authorised  
witness  
(see Note 1)

(g)

**Mining Amendment Regulations (No. 4) 2012****r. 49**

## OFFICIAL USE

Received at .....a.m./p.m. on ..... 20....

with fee of \$ .....

.....

Mining Registrar

**49. Schedule 1 Form 30 amended**

In Schedule 1 Form 30 delete:

(f) Amended  
particulars

(f)

DATED this ..... day of ..... 20

(g) Signature of  
holder/applicant

(g) .....

O F F I C E  U S E		Received at .....m.	
		on .....	
		.....	
		(Mining Registrar)	

and insert:

(f) Amended  
particulars  
(see Note 1)

(f)

DATED this ..... day of ..... 20

(g) Signature of  
holder/applicant  
(see Note 2)

(g) .....

**Mining Amendment Regulations (No. 4) 2012****r. 50**

## OFFICIAL USE

Received at .....a.m./p.m. on ..... 20

.....  
Mining Registrar

- NOTES: 1. A statutory declaration setting out the reasons for the requested amendments must accompany the application.
2. If this form is signed by a person who is an employee of the holder of the tenement/applicant, the person must state the person's full name and the position in which the person is employed.

**50. Schedule 1 Form 31 amended**

In Schedule 1 Form 31 delete:

(e) Signature of donee: Signed (e).....

O F F I C E  U S E			
---	--	--	--

and insert:

(e) Full name and address of witness (e) .....

(f) Signature of donee Signed (f) .....  
in the presence of

(g) Signature of witness Signed (g) .....

**Mining Amendment Regulations (No. 4) 2012****r. 51**

(h) Full name and address  
of witness

(h) .....  
.....

**OFFICIAL USE**

Received at .....a.m./p.m. on ..... 20....  
with fee of \$ .....

.....  
Mining Registrar

**51. Schedule 1 Form 32 amended**

In Schedule 1 Form 32 delete:

- (d) Signature of  
applicant/holder  
(e) Signature of witness

<b>Applicant or Holder signs here</b>	in the presence of	<b>Witness signs here</b>
(d)		(e)

O F F I C I A L  U S E		Received at .....m. on	
		the ..... day of .....	
		20 .....	
		..... (Mining Registrar)	

and insert:

<b>Applicant or Holder</b>	in the presence of	<b>Witness signs here</b>
----------------------------	--------------------	---------------------------

**Mining Amendment Regulations (No. 4) 2012****r. 52**

- (d) Signature of applicant/  
holder
- (e) Signature, full name and  
address of witness

**signs here**

(d)

(e)

**OFFICIAL USE**

Received at .....a.m./p.m. on ..... 20

.....  
Mining Registrar**52. Schedule 1 Form 33 replaced**

Delete Schedule 1 Form 33 and insert:

**Form 33 Complaint and Summons**

Form 33

WESTERN AUSTRALIA

*Mining Act 1978*

(r. 121 and 123(1)(c))

**PLAINT****No.**

In the Warden's Court at .....

**Plaintiff**

- (a) Name and  
address of  
plaintiff

(a) .....

.....

**Respondent**

- (b) Name and  
address of  
respondent

(b) .....

.....

The plaintiff claims that —

- (c) Nature of the

(c) .....

**Mining Amendment Regulations (No. 4) 2012****r. 53**

claim	.....
	and asks — .....
(d) Nature of relief sought	(d) .....
	.....
	DATED this ..... day of ..... 20.....
(e) Signature of plaintiff (See Note)	(e) .....
(f) Address for service	(f) .....
	.....
	Tel ..... Fax .....
	Email ..... Ref (if any) .....

**OFFICIAL USE****SUMMONS TO RESPONDENT**

YOU ARE HEREBY REQUIRED TO ATTEND before the Warden's Court sitting at ..... on the ..... day of ..... 20.... at ..... a.m./p.m. for a mention hearing.

**TAKE NOTICE** YOUR RESPONSE IN THE FORM OF **FORM 36** must be filed and served upon the plaintiff **within 14 days** of service of this plaint.



Received at .....a.m./p.m. on ..... 20 ..... with the prescribed plaint fee.

.....  
Mining Registrar

Note: If this form is signed by a person who is an employee of the plaintiff, the person must state the person's full name and the position in which the person is employed.

**53. Schedule 1 Form 34 deleted**

Delete Schedule 1 Form 34.

**54. Schedule 1 Form 35 amended**

In Schedule 1 Form 35:

**Mining Amendment Regulations (No. 4) 2012****r. 54**

(a) delete:

(b) Name and address

**Plaintiff / Applicant**

(b)

and insert:

(b) Name and address

**Plaintiff / Applicant / Other**

(b)

(b) delete:

make oath and say that I did on the ..... day of .....  
 20....., duly serve a copy of the application (which is marked  
 “A” and annexed hereto) as follows —

Full name of person on whom service effected:

.....  
 Manner of service:

.....  
 Address where service effected:

.....  
 Sworn before me at

this ..... day of ..... 20.....

.....  
 (Experienced lawyer/Warden/Mining Registrar/Justice of the  
 Peace.)

and insert:

(e) State the  
document  
served

make oath and say that I did on the ..... day of ..... 20.....,  
 duly serve a copy of the (e) .....  
 as follows — .....

**Mining Amendment Regulations (No. 4) 2012****r. 55**

- |     |  |  |
|-----|--|--|
|     |  | Full name of person on whom service effected<br>.....  |
| (f) | State manner of service                                      | (f) Manner of service<br>.....<br>Address where service effected<br>.....  |
| (g) | Include signature only when sworn                            | (g) sworn .....  |
| (h) | State the place where sworn                                  | (h) before me at .....<br>this ..... day of ..... 20.....  |
| (i) | State full name and indicate which description is applicable | (i) (legal practitioner authorised to witness affidavits under the <i>Oaths, Affidavits and Statutory Declarations Act 2005</i> /Warden/Mining Registrar/Justice of the Peace)<br>.....<br>..... |

**55. Schedule 1 Form 35A amended**

In Schedule 1 Form 35A delete:

- |              |   |  |
|--------------|---|--|
| (e)          | Signature of applicant/lawyer/authorised representative | (e) .....  |
| OFFICIAL USE |   | Received at ..... a.m./p.m. on the ..... day of ..... 20 ..... with the prescribed application fee.<br>.....<br>Mining Registrar |

**Mining Amendment Regulations (No. 4) 2012****r. 55****SUMMONS TO RESPONDENT:**

YOU ARE HEREBY REQUIRED TO ATTEND A MENTION HEARING (see Note) before the Warden at

..... at .....a.m./p.m. on the ..... day of ..... 20 .....

to answer the application for forfeiture as outlined above.

If at a mention hearing a date for the hearing and determination of the application for forfeiture is fixed, you may apply for the issue of a witness summons to compel the attendance of any witnesses and/or production of relevant documents.

IF YOU INTEND TO DISPUTE THE APPLICANT'S CLAIM you must file a response in accordance with regulation 141.

Dated this ..... day of ..... 20.....

STAMP  
OF  
MINING REGISTRAR

.....  
Mining Registrar

Note: A "mention hearing" is an initial hearing where the warden may give directions to the parties, set a hearing date and/or adjourn to a further mention hearing. A party who does not wish to attend in person or by lawyer or agent on the nominated mention hearing date must make written application not less than 7 days before the hearing. Costs may be awarded against a party for non-attendance.

**ENDORSEMENT**

This is the document marked "A" referred to in the annexed affidavit of

sworn before me at .....  
this ..... day of ..... 20.....

and insert:

- |   |                                |
|---|--------------------------------|
| (e) Signature of applicant/lawyer/ authorised representative (See Note 1) | (e) .....                      |
| (f) Address for service   | (f) .....                      |
|   | .....                          |
|   | Tel ..... Fax .....            |
|   | Email ..... Ref (if any) ..... |

**Mining Amendment Regulations (No. 4) 2012****r. 56**

## OFFICIAL USE

**SUMMONS TO RESPONDENT**

YOU ARE HEREBY REQUIRED TO ATTEND A MENTION HEARING (see Note 2) before the Warden at

..... at ..... a.m./p.m. on the ..... day of ..... 20.....

to answer the application for forfeiture as outlined above.

**TAKE NOTICE** that if you intend to dispute the applicant's claim YOUR RESPONSE in the form of **FORM 36** must be filed **within 14 days** of being served with this application (see Note 3).

STAMP OF MINING  
REGISTRAR

Received at ..... a.m./p.m. on the ..... day of ..... 20..... with the prescribed application fee.

.....  
Mining Registrar

- NOTES: 1. If this form is signed by a person who is an employee of the applicant, the person must state the person's full name and the position in which the person is employed.
2. A "mention hearing" is an initial hearing where the warden may give directions to the parties, set a hearing date and/or adjourn to a further mention hearing. A party who does not wish to attend in person or by lawyer or agent on the nominated mention hearing date must make a written application not less than 7 days before the hearing. Costs may be awarded against a party for non-attendance.
3. If at a mention hearing a date for the hearing and determination of the application for forfeiture is fixed, you may apply for the issue of a witness summons to compel the attendance of any witnesses and/or production of relevant documents.

**56. Schedule 1 Form 36 amended**

In Schedule 1 Form 36 delete:

- (e) Signature of  
applicant/ lawyer/  
authorised  
representative

(e) .....

**Mining Amendment Regulations (No. 4) 2012****r. 56**

## OFFICIAL USE

Received at .....a.m./p.m. on.....  
with fee of \$..........  
Mining Registrar**ENDORSEMENT**This is the document marked "A" referred to in the annexed  
affidavit of  
sworn before me at.....  
this ..... day of ..... 20.....  
.....

and insert:

(e) Signature of applicant/lawyer/  
authorised representative  
(See Note) (e) .....

(f) Address for service (f) .....

Tel ..... Fax .....

Email ..... Ref (if any) .....

## OFFICIAL USE

Received at .....a.m./p.m. on ..... 20....  
with fee of \$ ..........  
Mining Registrar**NOTE:** If this form is signed by a person who is an employee of the applicant,  
the person must state the person's full name and the position in which  
the person is employed.

**Mining Amendment Regulations (No. 4) 2012****r. 57****57. Schedule 1 Form 36A amended**

In Schedule 1 Form 36A:

(a) delete:

Form 36A                      WESTERN AUSTRALIA  
                                       *Mining Act 1978*  
                                       (r. 127E, 151, 154)

and insert:

Form 36A                      WESTERN AUSTRALIA  
                                       *Mining Act 1978*  
                                       (r. 127E, 151 and 153)

(b) delete:

- |  |  |
|--|--|
| (e) Applicant's details OR lawyer/agent acting on behalf | (e)<br>Residential or business address:<br>.....<br>.....<br>Tel No: .....<br>Fax No: .....<br>Email: .....<br>Reference (if any): ..... |
| (f) Address for service by other party/parties           | (f) (see Note 2)<br>Residential or business address:<br>.....<br>.....   |
| (g) Signature of applicant or lawyer/agent               | (g)<br>..... Date .....  |
| OFFICIAL USE   | Received at..... this ..... day of ..... 20 .....<br>With fee of \$ .....  |

**Note 1:** This application is to be supported by affidavit outlining the reasons the order is sought, including the relevant facts.

**Note 2:** This application must be served on the other party/parties and an affidavit as proof of service must be lodged.

**Mining Amendment Regulations (No. 4) 2012****r. 57****ENDORSEMENT**

This is the document marked "A" referred to in the annexed  
 affidavit of.....  
 sworn before me at .....  
 this ..... day of ..... 20.....

and insert:

- (e) Signature of applicant/lawyer/  
agent (if agent,  
state full name)
- (f) Applicant/lawyer  
address for service

Tel ..... Fax .....  
 Email ..... Ref (if any) .....

- (g) Address of party/parties to  
whom this  
application is  
addressed (see  
Note 2)

(g) .....  
 .....

**OFFICIAL USE**

- (h) Date and place of hearing
- (h) THIS APPLICATION WILL BE HEARD in the Warden's  
Court / before the Warden sitting at .....  
on the ..... day of ..... 20.....

Received at .....a.m./p.m. on ..... 20....  
 with fee of \$ .....

.....  
 Mining Registrar

SEAL OF  
 WARDEN'S  
 COURT/STAMP OF  
 MINING  
 REGISTRAR

**Mining Amendment Regulations (No. 4) 2012****r. 58**

---

- NOTES: 1. This application is to be supported by affidavit outlining the reasons the order is sought, including the relevant facts.
2. This application must be served on the other party/parties and an affidavit as proof of service must be lodged.

**58. Schedule 1 Form 37 amended**

In Schedule 1 Form 37 delete:

\_\_\_\_\_ Received \$ ..... Conduct money  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

.....  
 Signature

**ENDORSEMENT**

This is the document marked "A" referred to in the annexed affidavit of.....  
 sworn before me at.....  
 this ..... day of ..... 20.....

.....

**59. Schedule 1 Form 42 amended**

In Schedule 1 Form 42 delete:

The sum of \$150.00 is deposited as security for or towards the costs of this appeal.

Signed .....  
 Signature of Appellant or his Solicitor

**Mining Amendment Regulations (No. 4) 2012****r. 60**

O F F I C E  U S E		Received at .....m. on ..... with the sum of \$150.00 Receipt No. ....  ..... (Mining Registrar)	
---	--	--	--

and insert:

Signed.....  
Signature of Appellant or Appellant's lawyer

(c) Address for service (c).....  
.....  
Tel ..... Fax .....  
Email ..... Ref (if any) .....

OFFICIAL USE

Received at .....a.m./p.m. on ..... 20

.....  
Mining Registrar

**60. Schedule 2 amended**

Delete Schedule 2 item 9 and insert:

9. Application fee for —
- (a) exploration licence —
- (i) one block

307.70

***Mining Amendment Regulations (No. 4) 2012*****r. 60**

---

(ii)	more than one block		1 232.90
(b)	general purpose lease		431.05
(c)	mining lease		431.05
(d)	miscellaneous licence		431.05
(e)	permit under section 20A	r. 4D(2)	25.00
(f)	prospecting licence		292.30
(g)	retention licence		708.60

By Command of the Governor,

G. MOORE, Clerk of the Executive Council.