
MINERALS AND PETROLEUM

MP301*

Mining Act 1978

Mining Amendment Regulations (No. 4) 2015

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Mining Amendment Regulations (No. 4) 2015*.

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. Schedule 4 clause 2 amended

In Schedule 4 clause 2 delete the Table and insert:

Table — Hourly and daily rates

Fee earner		Maximum allowable hourly rates
Senior Lawyer	hourly rate	\$396
Junior Lawyer	hourly rate	\$297
Clerk/Paralegal	hourly rate	\$143
Counsel fees charged as a disbursement to lawyers or charged by in-house Counsel:		
Counsel (C)	hourly rate	\$319
	daily rate	\$3 190
Senior Counsel (SC)	hourly rate	\$528
	daily rate	\$5 280

4. Schedule 4 clause 3 amended

In Schedule 4 clause 3 delete the Table and insert:

Table — Scale of costs

Item		Time	Fee earner	Maximum amount \$
1.	Commencing proceedings — (a) Application or objection, including instructions For each additional respondent (b) Particulars (including preparation and lodgment)	8 hour	SL	396 55 3 168
2.	Response — (a) Lodging a response (b) Particulars (including preparation and lodgment)	8 hours	SL	198 3 168
3.	Disclosure — Giving additional disclosure where ordered by the warden	3 hours	JL	891
4.	Inspection — Inspection and giving inspection	per hour	JL	297
5.	Interlocutory applications — Proceedings and/or responses to applications (including all documentation and preparation for hearing) <i>Note: In relation to the above, if the proceedings do not commence and settle or adjourn on the day of the hearing then the Assessing Officer shall allow such amount as is reasonable in the circumstances.</i>	1 day preparation ½ day hearing	C	4 785
6.	Applications and attendances before the warden	1 hour	SL	396
7.	Offers of settlement, notices, practice directions, applications, declarations, memoranda, affidavits — (a) Offers of settlement (b) Acceptance of offer of settlement (c) Other notices referred to or required by regulations or practice directions not otherwise specified in this scale (d) Preparation lodging and service of affidavits and statutory declarations not otherwise provided for (e) Drawing and serving of interlocutory orders (where ordered or required)	2 hours 2 hours per hour 2 hours	SL SL SL JL	792 792 396 594
8.	Getting up — Preparation for hearing (includes work reasonably and necessarily undertaken prior to commencement of proceedings)	50 hours	SL	19 800

Item		Time	Fee earner	Maximum amount \$
9.	Hearing —			
	(a) Fee on brief for Counsel i.e. first day of hearing and preparation	2 days preparation 1st day of trial	C	7 975
	(b) Fee on brief for Senior Counsel i.e. first day of hearing and preparation (where 2 or more Counsel are certified for)	2 days preparation 1st day of trial	SC	13 200
	(c) Counsel fee for the second and each successive day of hearing		C	3 190
	(d) Counsel fee for Senior Counsel for second and each successive day of hearing (where 2 or more Counsel are certified for)		SC	5 280
	(e) Instructing lawyer attending hearing, where certified for	per hour	JL	297
	(f) Clerk attending hearing			
	<i>Note: In relation to paragraphs (a)-(f) if —</i> <i>(1) The hearing lasts less than 2 hours; or</i> <i>(2) The hearing does not commence and settles or adjourns on the day of the hearing,</i> <i>then the Assessing Officer shall allow such amount as is reasonable in the circumstances.</i>			
	(g) Attending on reserved determination	per hour	SL	396
10.	Mention hearings	per hour	SL	396
11.	Determinations —			
	(a) Settling and extracting determination —			
	(i) with appointment	1 hour	JL	297
	(ii) without appointment	0.5 hours	PL	198
	(b) Issue of certified copy of determination			143
12.	Enforcement —			
	Lodgment of an application to enforce a determination pursuant to <i>Civil Judgments Enforcement Act 2004</i>			198
13.	Registration of determinations —			
	Registration of determinations including those under <i>Service and Execution of Process Act 1992</i> (Commonwealth)			198
14.	Assessment of costs including drawing bill —			
	(a) Lodgment of bill of costs			55
	(b) Drawing bill of costs, copies and service		SL	Such amounts as are reasonable in the circumstances
	(c) Making an objection to a bill			
	(d) Assessment of costs (including the time spent in preparing for the assessment)			
15.	Copying —			
	Photocopies where necessary, including of documents for which allowance is otherwise made in this scale	per page		1.00

Item		Time	Fee earner	Maximum amount \$
16.	Review by warden of a decision of a mining registrar			Amount calculated in accordance with item 5
17.	Accounts and inquiries — Attending on taking accounts, inquiries		SL	Such amounts as are reasonable in the circumstances
18.	Other work — (a) Time reasonably spent by a lawyer on work requiring the skill of a lawyer (of the standing indicated) but not covered by any other item or (b) Time reasonably spent by a lawyer, or by a clerk or paralegal of a lawyer, on work not covered by any other item or by paragraph (a)	per hour per hour	SC SL C JL SC SL C JL PL	528 396 319 297 143
19.	Disbursements — In addition to the fees and charges allowed under this Schedule — (a) As between lawyer and client, a lawyer may charge and be allowed disbursements necessarily or reasonably incurred; and (b) As between party and party, a party may be allowed disbursements necessarily or reasonably incurred.			
20.	Allowances for witnesses — The amount of any costs to be paid in respect of work done by a lawyer in conducting any proceedings in a case may include a reasonable allowance for — (a) witnesses called because of their professional, scientific or other special skill or knowledge; and (b) witnesses called other than those covered in paragraph (a). In fixing an allowance for witnesses under paragraph (b) including the applicant and respondent, the Assessing Officer may have regard to the amount of salary, wages or income (if any) actually lost by the witness.			

R. KENNEDY, Clerk of the Executive Council.