



WESTERN
AUSTRALIAN
GOVERNMENT

Gazette

ISSN 1448-949X

PRINT POST APPROVED PP665002/00041

5399



PERTH, FRIDAY, 9 NOVEMBER 2012 No. 207 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 12.30 PM

© STATE OF WESTERN AUSTRALIA

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

Mining Amendment Regulations (No. 4) 2012**r. 5**

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)

Mining Amendment Regulations (No. 4) 2012

r. 7

- (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.

Mining Amendment Regulations (No. 4) 2012**r. 9**

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.

Mining Amendment Regulations (No. 4) 2012

r. 11

- (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.

Mining Amendment Regulations (No. 4) 2012**r. 12**

- (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

Mining Amendment Regulations (No. 4) 2012

r. 14

- (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)

Mining Amendment Regulations (No. 4) 2012**r. 16**

- (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).

Mining Amendment Regulations (No. 4) 2012

r. 18

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.

Mining Amendment Regulations (No. 4) 2012**r. 18**

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.

Mining Amendment Regulations (No. 4) 2012

r. 18

- (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.

Mining Amendment Regulations (No. 4) 2012***r. 18***

- (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.

Mining Amendment Regulations (No. 4) 2012

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.

Mining Amendment Regulations (No. 4) 2012**r. 22**

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.

Mining Amendment Regulations (No. 4) 2012

r. 22

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

Mining Amendment Regulations (No. 4) 2012***r. 22***

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.

Mining Amendment Regulations (No. 4) 2012

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.

Mining Amendment Regulations (No. 4) 2012**r. 25**

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 —

Mining Amendment Regulations (No. 4) 2012

r. 27

- (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)

Mining Amendment Regulations (No. 4) 2012**r. 28**

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 atm.	Receipt No:
		on	
		with fee of \$.....	
		
		(Mining Registrar/Customer Service Coordinator, Mineral Titles Division)	

and insert:

OFFICIAL USE

Received ata.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 atm.	
		on	
		with fee of \$.....	
	 (Mining Registrar)	

and insert:

OFFICIAL USE

Received ata.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 atm. 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 ata.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:

	Holders sign here	in the presence of	Witnesses sign here
(e) Signature of holder	(e)	(f)
(f) Signature of witness

and insert:

	Holders sign here	in the presence of	Witnesses sign here
(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 atm. on (Mining Registrar)	
---	--	--	--

Mining Amendment Regulations (No. 4) 2012**r. 33**

and insert:

OFFICIAL USE

Received ata.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)
.....
.....

Mining Amendment Regulations (No. 4) 2012**r. 34**

(b) delete:

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

and insert:

OFFICIAL USE

Received ata.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 ata.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.

Mining Amendment Regulations (No. 4) 2012**r. 35**

and insert:

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

OFFICIAL USE

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

Received ata.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
applicant | (h) |
|-------------------------------|-----------|

Mining Amendment Regulations (No. 4) 2012**r. 35**

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 atm 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 ata.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 atm 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.....

Mining Amendment Regulations (No. 4) 2012**r. 37**

Received ata.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/km²) (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

Mining Amendment Regulations (No. 4) 2012**r. 38**

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.		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

Applicants sign here	in the presence of	Witnesses sign here
(e)	(f)
.....
.....
.....
.....

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

and insert:

	Applicants sign here in the presence of Witnesses sign here	
(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 atm.	
		on	
		
		(Mining Registrar)	

and insert:

OFFICIAL USE

Received ata.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)

Mining Amendment Regulations (No. 4) 2012**r. 41**

(c) 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 ata.m./p.m. on 20....
 with fee of \$

.....
 Mining Registrar

41. Schedule 1 Form 24 amended

In Schedule 1 Form 24:

(a) delete:

(i) Signature of caveator	Caveator or agent signs here Signed (i) as agent (delete if not applicable)
(j) Signature of witness	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 ata.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 ata.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 E U S E		Received at a.m./p.m. on with fee of \$ (Mining Registrar)	
---	--	--	--

and insert:

OFFICIAL USE

Received ata.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 E U S E		Received atm. 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 ata.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)	(g)
.....
.....
.....
COMPANY SEAL _____	

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 atm.	
		on	
		with fee of \$.....	
		
		(Mining Registrar)	

Mining Amendment Regulations (No. 4) 2012

r. 46

and insert:

OFFICIAL USE

Received ata.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 atm. on with fee of \$ (Mining Registrar)	
---	--	--	--

and insert:

OFFICIAL USE

Received ata.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 atm. on with fee of \$..... (Mining Registrar)	
---	--	---	--

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

and insert:

OFFICIAL USE

Received ata.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 I A L U S E		Received atm. 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 ata.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 atm.	
		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 ata.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 ata.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

Applicant or Holder signs here	in the presence of	Witness signs here
(d)		(e)

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

and insert:

Applicant or Holder	in the presence of	Witness signs here
----------------------------	--------------------	---------------------------

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 ata.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 ata.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
..... |
| (f) | State manner of service | (f) Manner of service
.....
Address where service effected
..... |
| (g) | Include signature only when sworn | (g) sworn |
| (h) | State the place where sworn | (h) before me at
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)
.....
..... |

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.
.....
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

..... ata.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 ata.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 ata.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)
Residential or business address:
.....
.....
Tel No:
Fax No:
Email:
Reference (if any): |
| (f) Address for service by other party/parties | (f) (see Note 2)
Residential or business address:
.....
..... |
| (g) Signature of applicant or lawyer/agent | (g)
..... Date |
| OFFICIAL USE | Received at..... this day of 20
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 ata.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 atm. 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 ata.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.