

MP301*

Mining Act 1978

Mining Amendment Regulations (No. 5) 2012

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Mining Amendment Regulations (No. 5) 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 96 amended

In regulation 96(1) in the definition of **mining information** delete “but does not include such information if it is in the form of mining statistics compiled under regulation 95A;” and insert:

but does not include —

- (c) information of the kind described in paragraph (a) or (b) if it is in the form of mining statistics compiled under regulation 95A; or
- (d) information of the kind described in paragraph (b) if it is environment information as described in regulation 96CA(2);

5. Regulation 96CA inserted

After regulation 96B insert:

96CA. Release of certain information compiled from environment reports

- (1) In this regulation —

environment information has the meaning given in subregulation (2);

environment report means a report described as an annual environment report that is lodged in compliance with a condition imposed in relation to a prescribed tenement;

mining lease does not include a mining lease granted, or held, pursuant to a Government agreement as defined in the *Government Agreements Act 1979* section 2;

prescribed tenement means —

- (a) a mining lease; or
- (b) a general purpose lease; or
- (c) a miscellaneous licence;

release has the meaning given in regulation 96(1);

relevant period, in relation to an environment report, means the period to which the report relates.

- (2) For the purposes of this regulation, environment information is information in one or more of the following categories that is compiled from information contained in an environment report in respect of a prescribed tenement —
 - (a) information summarising the mining operations and rehabilitation activities carried out on the prescribed tenement during the relevant period;
 - (b) information indicating the level of compliance, during the relevant period, with conditions imposed on the holder of the prescribed tenement under —
 - (i) in the case of a mining lease, section 84; or
 - (ii) in the case of a general purpose lease, section 84 (as applied by section 90(4)); or
 - (iii) in the case of a miscellaneous licence, section 46A (as applied by section 92);
 - (c) information indicating the number of hectares disturbed by mining operations on the prescribed tenement (whether or not during the relevant period) and the types of disturbance;
 - (d) information indicating the number of hectares proposed to be disturbed by mining operations on the prescribed tenement in the period of 12 months immediately after the relevant period and the types of proposed disturbance;
 - (e) information indicating the areas of the prescribed tenement where rehabilitation activities have been completed (whether or not during the relevant period) and of the progress of rehabilitation activities on other areas of the prescribed tenement during the relevant period.
- (3) The Director General of Mines may release environment information in the form and in the manner that the Director General of Mines considers appropriate.

By Command of the Governor,

N. HAGLEY, Clerk of the Executive Council.