
MINERALS AND PETROLEUM

MP301*

Mining Act 1978

Mining Amendment Regulations 2011

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Mining Amendment Regulations 2011*.

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 amended

- (1) 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	\$330
Junior Lawyer	hourly rate	\$231
Clerk/Paralegal	hourly rate	\$110

Fee earner			Maximum allowable hourly rates
Counsel fees charged as a disbursement to lawyers or charged by in-house Counsel:			
Counsel	(C)	hourly rate	\$253
		daily rate	\$2 530
Senior Counsel	(SC)	hourly rate	\$429
		daily rate	\$4 290

(2) In Schedule 4 clause 3 in the Table:

(a) delete items 1 to 14 and insert:

1.	Commencing proceedings — (a) Application or objection, including instructions For each additional respondent (b) Particulars (including preparation and lodgment)	8 hour	SL	330 44 2 640
2.	Response — (a) Lodging a response (b) Particulars (including preparation and lodgment)	8 hours	SL	165 2 640
3.	Disclosure — Giving additional disclosure where ordered by the warden	3 hours	JL	693
4.	Inspection — Inspection and giving inspection	per hour	JL	231
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	3 795
6.	Applications and attendances before the warden	1 hour	SL	330
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	2 hours 2 hours per hour	SL SL SL	660 660 110 330

	(e) Drawing and serving of interlocutory orders (where ordered or required)	2 hours	JL	462
8.	Getting up — Preparation for hearing (includes work reasonably and necessarily undertaken prior to commencement of proceedings)	50 hours	SL	16 500
9.	Hearing — (a) Fee on brief for Counsel i.e. first day of hearing and preparation (b) Fee on brief for Senior Counsel i.e. first day of hearing and preparation (where 2 or more Counsel are certified for) (c) Counsel fee for the second and each successive day of hearing (d) Counsel fee for Senior Counsel for second and each successive day of hearing (where 2 or more Counsel are certified for) (e) Instructing lawyer attending hearing, where certified for (f) Clerk attending hearing <i>Note: In relation to paragraphs (a) — (f) if— (1) The hearing lasts less than 2 hours; or (2) The hearing does not commence and settles or adjourns on the day of the hearing, then the Assessing Officer shall allow such amount as is reasonable in the circumstances.</i> (g) Attending on reserved determination	2 days preparation 1st day of trial 2 days preparation 1st day of trial per hour per hour	C SC C SC JL SL	7 590 12 870 2 530 4 290 231 330
10.	Mention hearings	per hour	SL	330
11.	Determinations — (a) Settling and extracting determination (i) with appointment (ii) without appointment (b) Issue of certified copy of determination	1 hour 0.5 hours	JL PL	231 165 110
12.	Enforcement — Lodgment of an application to enforce a determination pursuant to <i>Civil Judgments Enforcement Act 2004</i>			165
13.	Registration of determinations — Registration of determinations including those under <i>Service and Execution of Process Act 1992</i> (Commonwealth)			165
14.	Assessment of costs including drawing bill — (a) Lodgment of bill of costs			44

(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))			

(b) delete item 18 and insert:

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	per hour	SC SL C JL PL	429 330 253 231 110
	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)			

By Command of the Governor,

G. MOORE, Clerk of the Executive Council.