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MINING ACT 1978

**MINING AMENDMENT
REGULATIONS (No. 2) 2006**

Mining Act 1978

Mining Amendment Regulations (No. 2) 2006

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Mining Amendment Regulations (No. 2) 2006*.

2. Commencement

These regulations come into operation on 10 February 2006.

3. The regulations amended

The amendments in these regulations are to the *Mining Regulations 1981**.

[* *Reprint 5 as at 16 July 2004*.

For amendments to 23 December 2005 see Western Australian Legislation Information Tables for 2004, Table 4, p. 259, and Gazette 28 January, 20 May and 24 June 2005.]

4. Regulation 2 amended

Regulation 2 is amended by inserting in the appropriate alphabetical positions —

“

“Director, Environment Division” means the person for the time being holding or acting in the office of Director, Environment Division in the Department;

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“environmental officer” means a person for the time being holding or acting in the office of Environmental Officer in the Environment Division of the Department;

”.

5. Regulation 4J amended

- (1) Regulation 4J is amended by inserting before “A permit” the subregulation designation “(1)”.
- (2) At the end of regulation 4J the following subregulation is inserted —

“

- (2) Subregulation (1)(c) does not apply if the relevant exploration licence stops being in force because a prospecting licence or an exploration licence is granted in respect of the land as a result of a reversion licence application.

”.

6. Regulation 13A inserted

After regulation 13 the following regulation is inserted —

“

13A. Programme of work for ground disturbing equipment

- (1) The programme of work referred to in section 46(aa)(i) shall be lodged at an office of the Department.
- (2) The office of Environmental Officer in the Environment Division of the Department is prescribed for the purposes of the interpretation of the term “prescribed official” in section 46(aa)(ii).

”.

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r. 7**7. Regulation 15 amended**

After regulation 15(2) the following subregulations are inserted —

“

- (3) If a prospecting licence has retention status, the amount to be expended during the year of the term of the licence in which retention status is approved is to be calculated on a pro rata basis for each whole month from the last anniversary date of the commencement of the term until the end of the month in which the approval takes effect.
- (4) Despite subregulation (1), if a prospecting licence has retention status, expenditure is not required under this regulation during any year of the term of the licence after the year in which retention status is approved.

”

8. Regulation 16A replaced by regulations 16A, 16B, 16C, 16D and 16E

Regulation 16A is repealed and the following regulations are inserted instead —

“

16A. Grounds for extension under section 45(1a)

Each of the following is a ground for extension for the purposes of section 45(1a) —

- (a) by reason of difficulties or delays —
 - (i) occasioned by law;
 - (ii) arising from administrative, political, environmental or other requirements of governmental or other authorities, in the State or elsewhere;

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- (iii) arising from a requirement to conduct an Aboriginal heritage survey on the land;
 - (iv) in obtaining requisite consents or approvals for prospecting or for the marking out of a mining lease or general purpose lease in relation to any part of the land; or
 - (v) in gaining access to the land because of unfavourable climatic conditions, prospecting, or the marking out and application appropriate to a mining lease or general purpose lease in relation to the land, could not be undertaken or completed or is restricted in a manner that is, or subject to conditions that are, for the time being impracticable;
- (b) the land the subject of the licence has for any reason the Minister considers sufficient been unworkable for the whole or a considerable part of any year of the term;
 - (c) work already carried out under the licence justifies further prospecting;
 - (d) if the prospecting licence has retention status, the grounds for approval of retention status under section 54 continue to exist.

16B. Application for extension of prospecting licence

- (1) An application under section 45(1a) shall —
 - (a) be lodged at an office of the Department during the final year of the term of the licence;
 - (b) be in the form No. 9 in the First Schedule; and
 - (c) be accompanied by —
 - (i) the instrument of licence;

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r. 8

- (ii) the prescribed rent for a period of 12 months commencing on the day after the day on which the licence is due to expire; and
 - (iii) information in support of the proposed ground for extension.
- (2) If the application is refused, a pro rata refund of rent is to be paid to the applicant in respect of each whole month of the period for which rent has been paid commencing on the day on which the application is refused.

16C. Application for retention status

- (1) An application under section 53(2) shall —
 - (a) be lodged at an office of the Department;
 - (b) be accompanied by a statement specifying —
 - (i) the details of the programme of work (if any) proposed to be carried out on the land for which retention status is sought; and
 - (ii) the estimated amount of money (if any) proposed to be expended on such work;
 - (c) be accompanied by a statutory declaration made by the applicant or a person authorised by the applicant to the effect that —
 - (i) there is an identified mineral resource in, on or under the land for which retention status is sought; and
 - (ii) mining of that identified mineral resource is impracticable for one or more of the reasons referred to in section 54(1)(b);

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- (d) be accompanied by a description of the boundaries of the land for which retention status is sought; and
 - (e) be accompanied by a map that clearly indicates —
 - (i) the boundaries of the land for which retention status is sought; and
 - (ii) the location of the identified mineral resource.
- (2) The application fee for the purposes of section 53(3)(e) is the fee set out in item 2A of the Second Schedule.

16D. Marking out of land that has retention status

Regulations 59, 60 and 61 apply, with any necessary modifications, in relation to marking out the boundaries of land for the purposes of section 54(6).

16E. Application for special prospecting licence

- (1) For the purposes of section 56A(2) the prescribed period is 14 days after the day on which the application for the special prospecting licence is lodged.
- (2) For the purposes of section 56A(5a) the prescribed period is 28 days after the day on which the application for the special prospecting licence is lodged.

”.

9. Regulation 18A repealed

Regulation 18A is repealed.

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r. 10**10. Regulation 21 amended and transitional provision**

- (1) Regulation 21(1) is amended as follows:
- (a) by inserting after “holder of an” —
“ existing ”;
 - (b) by deleting “, during each of the first 5 years of that term”;
 - (c) in paragraph (a) by deleting “in respect of an existing exploration licence” and inserting instead —
“ during each of years 1 to 5 of that term ”;
 - (d) after paragraph (a) by deleting “or”;
 - (e) by deleting paragraph (b) and inserting the following paragraphs instead —
“
 - (b) during each of years 6 and 7 of the term of the licence, not less than \$50 000 per year irrespective of the area of the licence; or
 - (c) during year 8 and each subsequent year of the term of the licence, not less than \$100 000 per year irrespective of the area of the licence.”.
- (2) Regulation 21(1a) is amended by deleting “(1)(b)” and inserting instead —
“ (1b) ”.

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- (3) Regulation 21(1b) is repealed and the following subregulation is inserted instead —

“

- (1b) The holder of a graticular exploration licence shall expend, or cause to be expended, in mining on or in connection with mining on the licence —
- (a) during each of years 1 to 3 of the term of the licence, \$1 000 per block —
 - (i) with a minimum of \$10 000 where one block only is subject to the licence;
 - (ii) with a minimum of \$15 000 where 2 to 5 blocks are subject to the licence;
 - (iii) with a minimum of \$20 000 where 6 or more blocks are subject to the licence;
 - (b) during each of years 4 and 5 of the term of the licence, \$1 500 per block —
 - (i) with a minimum of \$10 000 where one block only is subject to the licence;
 - (ii) with a minimum of \$20 000 where 2 to 5 blocks are subject to the licence;
 - (iii) with a minimum of \$30 000 where 6 or more blocks are subject to the licence;
 - (c) during each of years 6 and 7 of the term of the licence, \$2 000 per block —
 - (i) with a minimum of \$15 000 where one block only is subject to the licence;
 - (ii) with a minimum of \$30 000 where 2 to 5 blocks are subject to the licence;
 - (iii) with a minimum of \$50 000 where 6 or more blocks are subject to the licence;

or

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- (d) during year 8, and each subsequent year of the term of the licence, \$3 000 per block —
- (i) with a minimum of \$20 000 where one block only is subject to the licence;
 - (ii) with a minimum of \$50 000 where 2 to 5 blocks are subject to the licence;
 - (iii) with a minimum of \$70 000 where 6 or more blocks are subject to the licence.
- ”.
- (4) Regulation 21(1c) is amended by deleting “Subregulation (1) applies” and inserting instead —
- “ Subregulations (1) and (1b) apply ”.
- (5) Regulation 21(1d) is amended by inserting after “subregulation” —
- “ (1) or ”.
- (6) After regulation 21(3) the following subregulations are inserted —
- “
- (4) If an exploration licence has retention status, the amount to be expended during the year of the term of the licence in which retention status is approved is to be calculated on a pro rata basis for each whole month from the last anniversary date of the commencement of the term until the end of the month in which the approval takes effect.
 - (5) Despite subregulations (1) and (1b), if an exploration licence has retention status, expenditure is not required under this regulation during any year of the term of the licence after the year in which retention status is approved.
- ”.

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- (7) Despite the amendments made by this regulation, where, in relation to an existing licence, the commencement day is a day other than the anniversary date of the commencement of the term of the existing licence, regulation 21 of the *Mining Regulations 1981* as in force immediately before the commencement day continues to apply for the purpose of determining the expenditure required for the year of the term of the existing licence in which the commencement day falls.
- (8) In subregulation (7) —
- “**commencement day**” means the day on which these regulations come into operation;
- “**existing licence**” means an exploration licence in force under the Act on the day on which these regulations come into operation.

11. Regulation 21A inserted

After regulation 21 the following regulation is inserted —

“

21A. Programme of work for ground disturbing equipment

- (1) The programme of work referred to in section 63(aa)(i) shall be lodged at an office of the Department.
- (2) The office of Environmental Officer in the Environment Division of the Department is prescribed for the purposes of the interpretation of the term “prescribed official” in section 63(aa)(ii).

”

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12. Regulations 22A and 22B inserted

After regulation 22 the following regulations are inserted —

“

22A. Grounds for deferral under section 65(3b)

Each of the following is a ground for deferral for the purposes of section 65(3b) —

- (a) the applicant for deferral is a person authorised by the Minister under section 111 to explore for iron on the land to which the application for deferral relates;
- (b) by reason of difficulties or delays —
 - (i) occasioned by law;
 - (ii) arising from administrative, political, environmental or other requirements of governmental or other authorities, in the State or elsewhere;
 - (iii) arising from a requirement to conduct an Aboriginal heritage survey on the land to which the application for deferral relates (the “**relevant land**”);
 - (iv) in obtaining requisite consents or approvals for exploration or for the marking out of a mining lease or general purpose lease in relation to any part of the relevant land; or
 - (v) in gaining access to the relevant land because of unfavourable climatic conditions,

the exploration programme, or the marking out and application appropriate to a mining lease or general purpose lease in relation to the relevant land, could not be undertaken or completed or is restricted in a manner that is, or subject to

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conditions that are, for the time being
impracticable.

22B. Application for deferral

An application for deferral referred to in section 65(3c) shall be made in writing and lodged at an office of the Department.

”.

13. Regulation 23 amended

- (1) Regulation 23 is amended by inserting before “The” the subregulation designation “(1)”.
- (2) At the end of regulation 23 the following subregulation is inserted —

“

- (2) Notification for the purposes of section 65(6)(a) shall be given by endorsing the date (the “**release date**”) and time chosen under subregulation (1)(c) on the plans referred to in section 65(5) at least 14 days before the release date.

”.

14. Regulation 23AB amended

Regulation 23AB is amended as follows:

- (a) by deleting “For the purposes of section 61(2)(a), the Minister may extend the term of an exploration licence if the Minister is satisfied that — ” and inserting instead —

“

Each of the following is a ground for extension for the purposes of section 61(2) —

”.

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- (b) in paragraph (a) —
- (i) after subparagraph (ii) by deleting “or” and inserting instead —
- “
- (ia) arising from a requirement to conduct an Aboriginal heritage survey on the land;
- ”;
- and
- (ii) by deleting the comma at the end of subparagraph (iii) and inserting instead —
- “
- ; or
- (iv) in gaining access to the land because of unfavourable climatic conditions,
- ”.
- (c) after paragraph (b) by deleting “or”;
- (d) by deleting paragraph (c) and inserting instead —
- “
- (c) work already carried out under the licence justifies further exploration; or
- (d) if the exploration licence has retention status, the grounds for approval of retention status under section 69B continue to exist.
- ”.

15. Regulation 23A amended

Regulation 23A(1) is amended as follows:

- (a) by deleting paragraph (a) and inserting the following paragraph instead —
- “
- (a) be lodged at an office of the Department during the final year of the term of the licence;
- ”.

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- (b) in paragraph (c)(iii) by deleting “a detailed report of the circumstances giving rise to the application,” and inserting instead —

“

information in support of the proposed ground for extension,

”

16. Regulations 23BA and 23BB inserted

After regulation 23A the following regulations are inserted in Part IV Division 2 —

“

23BA. Application for retention status

- (1) An application under section 69A(2) shall —
- (a) be lodged at an office of the Department;
 - (b) be accompanied by a statement specifying —
 - (i) the details of the programme of work (if any) proposed to be carried out on the land for which retention status is sought; and
 - (ii) the estimated amount of money (if any) proposed to be expended on such work;
 - (c) be accompanied by a statutory declaration made by the applicant or a person authorised by the applicant to the effect that —
 - (i) there is an identified mineral resource in, on or under the land for which retention status is sought; and
 - (ii) mining of that identified mineral resource is impracticable for one or more of the reasons referred to in section 54(1)(b);

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- (d) be accompanied by a description of the boundaries of the land for which retention status is sought; and
 - (e) be accompanied by a map that clearly indicates —
 - (i) the boundaries of the land for which retention status is sought; and
 - (ii) the location of the identified mineral resource.
- (2) The application fee for the purposes of section 69A(3)(e) is the fee set out in item 2A of the Second Schedule.

23BB. Application for special prospecting licence

- (1) For the purposes of section 70(2) the prescribed period is 14 days after the day on which the application for the special prospecting licence is lodged.
- (2) For the purposes of section 70(5a) the prescribed period is 28 days after the day on which the application for the special prospecting licence is lodged.

”.

17. Regulation 23DA inserted

After regulation 23D the following regulation is inserted —

“

23DA. Programme of work for ground disturbing equipment

- (1) The programme of work referred to in section 70H(1)(aa)(i) shall be lodged at an office of the Department.

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- (2) The office of Environmental Officer in the Environment Division of the Department is prescribed for the purposes of the interpretation of the term “prescribed official” in section 70H(1)(aa)(ii).

”

18. Regulation 23H repealed

Regulation 23H is repealed.

19. Regulations 25, 25A, 25B and 25C inserted

After regulation 24 the following regulations are inserted —

“

25. Guidelines under Part IV Division 3 of the Act

For the purposes of section 70P —

- (a) copies of the guidelines are to be made available at each office of the Department; and
- (b) an electronic version of the guidelines is to be published on the Department’s internet website.

25A. Marking out after grant of lease

Regulations 59, 60 and 61 apply, with any necessary modifications, in relation to marking out the boundaries of an area for the purposes of section 73(2).

25B. Fees for copies of certain documents

A person who wishes to obtain —

- (a) a copy of a document referred to in section 74(5);
- (b) a copy of a report under section 74A; or
- (c) a copy of any part of such a document or report,

shall pay the fee set out in item 2B of the Second Schedule.

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r. 20**25C. Qualified persons — section 74**

For the purposes of paragraph (a) of the definition of “qualified person” in section 74(7) each of the following is a prescribed body —

- (a) the Australasian Institute of Mining and Metallurgy;
- (b) the Australian Institute of Geoscientists.

”.

20. Regulation 28 amended

Regulation 28 is amended as follows:

- (a) by deleting “the State Mining Engineer” in the first place where it occurs and inserting instead —
“ an environmental officer ”;
- (b) by deleting “the State Mining Engineer” in the second place where it occurs and inserting instead —
“ the environmental officer ”.

21. Regulation 31A inserted

After regulation 31 the following regulation is inserted —

“

31A. Programme of work for ground disturbing equipment

- (1) The programme of work referred to in section 82(1)(ca)(i) shall be lodged at an office of the Department.
- (2) The office of Environmental Officer in the Environment Division of the Department is prescribed for the purposes of the interpretation of the term “prescribed official” in section 82(1)(ca)(i).

”.

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22. Regulation 32A inserted

After regulation 32 the following regulation is inserted in Part IV Division 3 —

“

32A. Condition under section 82A

- (1) For the purposes of section 82A(2) the following kinds of mining operations are prescribed —
 - (a) open-cut operations;
 - (b) underground operations;
 - (c) quarrying operations;
 - (d) dredging operations;
 - (e) harvesting operations;
 - (f) scraping operations;
 - (g) leaching operations;
 - (h) tailing treatment operations;
 - (i) construction activities incidental or conducive to mining operations, including the construction of plant, tailing storage facilities and overburden dumps.
- (2) A mining proposal referred to in section 82A(2)(a) shall be lodged at an office of the Department.
- (3) The office of Director, Environment Division in the Department is prescribed for the purposes of the interpretation of the term “prescribed official” in section 82A(2)(b).

”.

23. Regulation 52 amended

Regulation 52 is amended by inserting after “21(1)” —

“ and (1b) ”.

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24. Regulation 58A inserted

After regulation 58 the following regulation is inserted in Part IV Division 7 —

“

58A. Aggregate exploration expenditure

(1) In this regulation —

“**relevant operations report**” means a report of the kind required under section 51, 68(3), 70H(1)(f) or 82(1)(e) —

- (a) filed for a combined reporting tenement; and
- (b) covering the year or any part of the year to which the proposed exemption relates.

(2) For the purposes of the definition of “aggregate exploration expenditure” in section 102(2a), the expenditure is to be worked out by adding together the total exploration expenditure shown in each relevant operations report.

”

25. Regulation 63A inserted

After regulation 63 the following regulation is inserted in Part V Division 1 —

“

63A. Requirement for marking out following grant of reversion licence

(1) If, as a result of a reversion licence application, a mining tenement (the “**reversion licence**”) is granted in respect of part of the land the subject of an application for a mining lease (the “**lease application**”), the applicant for the mining lease shall, in the manner provided for in regulation 59, mark out the land that remains the subject of the lease

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application as soon as practicable after the reversion licence is granted.

- (2) A person who contravenes subregulation (1) commits an offence.

”.

26. Regulation 64 amended

After regulation 64(5a) the following subregulation is inserted —

“

- (5b) Subregulation (5) does not apply in relation to a reversion licence application if the boundaries of the land to which the application relates are identical to, or located entirely within, the boundaries of the land the subject of the relevant lease application or lease applications referred to in section 120AA(2).

”.

27. Regulation 68 amended

Regulation 68 is amended by deleting “, the State Mining Engineer,”.

28. Regulation 89B amended

Regulation 89B is amended by deleting “General Manager, Tenure and Native Title Branch, Mineral Titles Division” and inserting instead —

“

Manager, Customer Services, Mineral and Title Services Division

”.

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29. Regulation 89C inserted

After regulation 89B the following regulation is inserted —

“

89C. Identified mineral resource — section 8(1)

(1) In this regulation —

“**JORC Code**” means the *Australasian Code for Reporting of Exploration Results, Mineral Resources and Ore Reserves* published by the Joint Ore Reserves Committee of the Australasian Institute of Mining and Metallurgy, the Australian Institute of Geoscientists and the Minerals Council of Australia in December 2004.

(2) For the purposes of the definition of “identified mineral resource” in section 8(1), a deposit of minerals has to be identified as coming within one of the following classifications provided for in clauses 20, 21 and 22 of the JORC Code —

- (a) Inferred Mineral Resource;
- (b) Indicated Mineral Resource;
- (c) Measured Mineral Resource.

”

30. Regulation 90A inserted

After regulation 90 the following regulation is inserted —

“

90A. Prescribed procedure for certain applications

(1) This regulation applies to —

- (a) applications for prospecting licences, exploration licences and mining leases in respect of an area that are made at the first

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available opportunity after that area has been surrendered under section 65; and

- (b) applications for exploration licences in respect of an area that are made at the first available opportunity after that area has become forfeited under section 96A or 97.
- (2) Applications to which this regulation applies are to be lodged by placing the applications in a tray specifically identified for that purpose at the office of the mining registrar.
 - (3) When the mining registrar is satisfied that all persons waiting to lodge applications to which this regulation applies have placed their applications in the tray in accordance with subregulation (2), the mining registrar is to remove the tray.
 - (4) The applications contained in the tray after removal by the mining registrar are to be regarded as having been lodged —
 - (a) in the case of applications in respect of an area surrendered under section 65, on the date and at the time endorsed on the public plans of the Department under regulation 23(1)(c) as the date and time for the release of the area surrendered; and
 - (b) in the case of applications in respect of an area forfeited under section 96A or 97, at the same time on the date on which notice of the forfeiture was published in the *Government Gazette*.

”.

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After regulation 95 the following regulation is inserted —

“

95A. Mining statistics

- (1) The Director General of Mines may cause mining statistics to be compiled from mining information as defined in regulation 96(1).
- (2) Mining statistics are to be compiled in such a way that, so far as is practicable, information in respect of a particular person or mining operation cannot be ascertained.
- (3) The Director General of Mines may cause mining statistics to be published in any manner that the Director General of Mines considers appropriate.

”.

32. Regulation 96 amended

- (1) Regulation 96(1) is amended by inserting in the appropriate alphabetical position —

“

“mining information” means —

- (a) information contained in —
 - (i) a mineral exploration report;
 - (ii) an operations report;
 - (iii) a report required under regulation 36(d) or 41(d); or
 - (iv) a production report furnished under regulation 85A(1) or (2),
irrespective of when the report was filed,
furnished or otherwise given; and

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- (b) any other information relating to mining supplied to the Minister, a warden or an official of the Department under the Act irrespective of when the information was supplied,

but does not include such information if it is in the form of mining statistics compiled under regulation 95A;

”.

- (2) Regulation 96(2) is amended by deleting “information contained in a mineral exploration report, an operations report or a report required under regulation 36(d) or 41(d)” and inserting instead —

“ mining information ”.

- (3) Regulation 96(4) is repealed and the following subregulations are inserted instead —

“

- (4) Subject to subregulation (5), the Minister may release mining information that has been held at the Department for a period of 5 years or more.

- (4a) Subregulation (4) does not apply to mining information that consists of information as to sales value contained in a production report furnished under regulation 85A(1).

”.

- (4) Regulation 96(5) is amended as follows:

- (a) by deleting “information in a report referred to in subregulation (4)” and inserting instead —

“

mining information to which subregulation (4) applies

”.

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- (b) by deleting “information contained in the report” and inserting instead —
“ the information ”.
- (5) Regulation 96(6) is amended by deleting “information contained in the report” and inserting instead —
“ mining information ”.

33. Regulation 96C amended

After regulation 96C(3a) the following subregulations are inserted —

“

- (3b) The cost of an aerial survey may be used in the calculation of expenditure expended on, or in connection with, mining on any mining tenement that is located wholly or partly within the boundaries of the survey when those boundaries are projected onto the surface of the Earth.
- (3c) The reference in subregulation (3b) to an aerial survey includes an aerial survey conducted in respect of land while the land was the subject of an application for the mining tenement concerned.
- (3d) Where the cost of an aerial survey is used in the calculation of expenditure for more than one mining tenement, the cost is to be apportioned between the mining tenements in such a way that the total expenditure claimed does not exceed the cost.
- (3e) For the purposes of subregulations (3b) and (3d) the cost of an aerial survey comprises —
 - (a) the cost of acquiring data, in the air and on the ground, during the period in which the aerial survey is conducted; and

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- (b) the cost of processing that data to produce fully corrected, point-located digital data stored on an appropriate computer-compatible medium.

”

34. Regulation 96D inserted

After regulation 96C the following regulation is inserted —

“

96D. Drill cores

- (1) The holder of a mining tenement must not destroy or dispose of a drill core obtained from the mining tenement unless the holder has given the Minister written notice of his or her intention to do so not less than 3 months before the destruction or disposal.
- (2) If the holder of a mining tenement has received a request to furnish drill cores under section 51A, 68(2), 70H(1)(g) or 82(1)(ea), the holder must ensure that the drill cores are stored in a way that protects them from damage and deterioration until such time as the holder complies with the request.
- (3) Drill cores furnished in response to a request referred to in subregulation (2) may be made available for public inspection and sampling at the times, and in the manner, determined by the Director, Geological Survey.
- (4) A person who contravenes subregulation (1) or (2) commits an offence.

”

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r. 35**35. Regulation 101 replaced**

Regulation 101 is repealed and the following regulation is inserted instead —

“

101. Manner of camping — section 20(2)(e)

For the purposes of section 20(2)(e) the holder of a Miner's Right may camp on Crown land in —

- (a) a vehicle or caravan;
- (b) a tent or other temporary structure; or
- (c) the open air.

”

36. Regulation 112 replaced

Regulation 112 is repealed and the following regulation is inserted instead —

“

112. Securities

- (1) For the purposes of sections 52(1), 60(1), 70F(1) and 84A(1), the applicant shall lodge a security within 28 days after lodging the application to which the security relates.
- (2) For the purposes of section 126(1)(a)(ii), the amount of \$5 000 is prescribed.
- (3) For the purposes of section 126(1)(b), form No. 32 in the First Schedule is prescribed.

”

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37. Regulation 120P amended

Regulation 120P is amended by deleting the definition of “the Director” and inserting instead —

“

“**Director**” means the Director, Geological Survey.

”.

38. First Schedule amended

(1) The amendments in this regulation are to the First Schedule.

(2) Form 8 is amended as follows:

(a) by deleting “not exceeding \$1 000”;

(b) in clause 10 —

(i) by deleting “the State Mining Engineer” in the first place where it occurs and inserting instead —

“ an environmental officer ”; and

(ii) by deleting “the State Mining Engineer” in the second place where it occurs and inserting instead —

“ the environmental officer ”.

(3) Form 9 is amended as follows:

(a) in the heading by deleting “16A,” and inserting instead —

“ 16B, ”;

(b) by deleting note 3 at the end of the form and inserting the following note instead —

“

3. If this application is for an extension of a prospecting licence or an exploration licence, or a renewal of a retention licence, any information or other material required by regulation 16B(1)(c)(iii), 23A(1)(c)(iii) or 23F(1)(b)(i) (whichever applies) must be attached.

”.

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- (4) Form 18 is amended as follows:
- (a) by inserting after “if applicable” —
“ (see Note 1) ”;
- (b) by inserting at the end of the form —

“

Note 1: A statutory declaration setting out reasons in support of the application must be lodged at the office of the mining registrar within 28 days after lodgment of the application or within any extension of that period.
(See regulation 54(3) and (4) of the *Mining Regulations 1981*.)

”

39. Second Schedule amended

- (1) The amendments in this regulation are to the Second Schedule.
- (2) Item 1 is amended as follows:
- (a) by deleting the sub-items beginning “Existing exploration licence” and “Graticular exploration licence” and inserting instead —

“

Existing exploration licence per square kilometre or part thereof —		
(a)	for years 1 to 7 of the term of the licence	38.72
(b)	for year 8, and each subsequent year, of the term of the licence	131.12
Graticular exploration licence —		
(a)	one block licence applied for after 1 July 1999	244.31
(b)	all other licences, per block —	
(i)	for years 1 to 3 of the term of the licence	101.42
(ii)	for years 4 and 5 of the term of the licence	157.74
(iii)	for years 6 and 7 of the term of the licence	214.06
(iv)	for year 8, and each subsequent year, of the term of the licence	405.46

”

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(3) After item 2 the following items are inserted —

“

2A.	Application fee for approval of retention status		205.00
2B.	Copy of all or part of document or report (per copy)	Reg. 25B	6.50

”

40. Third Schedule amended

The Third Schedule is amended by inserting after clause 4(3) the following subclause —

“

(3a) Subclauses (1) and (2) do not apply if —

- (a) the land that becomes available from an existing exploration licence has been included in a reversion licence application; and
- (b) a prospecting licence has been granted in respect of the reversion licence application.

”

41. Various references to “State Mining Engineer” changed to “Director, Environment Division”

(1) The provisions listed in the Table to this regulation are amended by deleting “State Mining Engineer” in each place where it appears and inserting instead —

“ Director, Environment Division ”.

Table

r. 120J(1)	r. 120J(4)
r. 120J(3)	r. 120N(3)

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- (2) Regulation 120N(3) and (4) are each amended by deleting “State Mining Engineer’s” and inserting instead —

“ Director, Environment Division’s ”.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

