

— PART 1 —

MINERALS AND PETROLEUM

MP301*

Mining Act 1978

Mining Amendment Regulations (No. 5) 2002

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Mining Amendment Regulations (No. 5) 2002*.

2. Commencement

These regulations come into operation on the day fixed under section 2 of the *Mining Amendment Act 2002* for the commencement of provisions of that Act (other than section 12).

3. The regulations amended

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

[* Reprinted as at 25 July 2002.]

4. Regulation 45 amended

Regulation 45(3) is amended by deleting “and the prescribed fee.” and inserting instead —

“

, the prescribed fee and, in the case of an exploration licence, evidence of the approval required by section 95A(2).

”.

5. Regulation 64C inserted

After regulation 64B the following regulation is inserted —

“

64C. Copy of application for miscellaneous licence

For the purposes of section 91(9), the prescribed time is 14 days after the lodging of the application concerned.

”.

6. Regulation 89B inserted

After regulation 89A the following regulation is inserted in Part V Division 6 —

“

89B. Prescribed office — section 8(1)

For the purposes of the definition of “mining registrar” in section 8(1) the office of General Manager, Tenure and Native Title Branch, Mineral Titles Division of the Department is prescribed.

”.

7. Regulation 101A inserted

After regulation 101 the following regulation is inserted —

“

101A. Notice before mining under certain Crown land or private land

(1) In this regulation —

“**relevant depth**” means 30 metres below the lowest part of the natural surface of the land concerned.

(2) At least 14 days before carrying out mining at or below the relevant depth under Crown land described in any of section 20(5)(a) to (e), the holder of a mining tenement must give written notice in accordance with subregulation (4) to the occupier of the Crown land unless that occupier has already given written consent for mining above the relevant depth.

(3) At least 14 days before carrying out mining at or below the relevant depth under private land described in any

of section 29(2)(a) to (f), the holder of a mining tenement must give written notice in accordance with subregulation (4) to the owner and the occupier of the private land unless the mining tenement includes that portion of the private land that is above the relevant depth.

- (4) The notice is to contain details of —
- (a) the extent and type of mining proposed; and
 - (b) when the holder of the mining tenement intends to begin that mining.
- (5) A holder of a mining tenement who contravenes subregulation (2) or (3) commits an offence.

”.

8. Regulation 115 amended

Regulation 115 is amended by deleting “\$5 000” and inserting instead —

“ \$10 000 ”.

9. First Schedule amended

Forms 18 and 19 in the First Schedule are deleted and the following forms are inserted instead —

“

Form 18

WESTERN AUSTRALIA
Mining Act 1978
 (s. 102, r. 54)

Office Use

No.

APPLICATION FOR EXEMPTION

- (a) Type
- (b) Number
- (c) Mineral Field

Details of mining tenement/s

- (a)
- (b)
- (c)

- (d) Full name and address of each holder

Holder
(d)

- (e) Amount of expenditure for which exemption is sought
- (f) Expiry date/s of period to which exemption relates
- (g) Reasons for application (include relevant paragraph/s of section 102(2) of the *Mining Act 1978* if applicable)

Exemption details (for each tenement affected)

(e) \$

(f)

(g)

APPLICATION is made for exemption for the period specified from the expenditure conditions applicable to the abovementioned mining tenement/s.

DATED this day of 20

(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 the office of the mining registrar 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)

Form 19

WESTERN AUSTRALIA

Mining Act 1978

(s. 102 and 102A, r. 58)

CERTIFICATE OF EXEMPTION

No.

This is to certify that the holder of —

(a) Type of tenement/s
Number/s and Mineral Field

(a)

has been granted exemption from expenditure under section/s —

(b) Section/s of the *Mining Act 1978* under which exemption granted

(b)

in the amount/s of —

(c) Amount of expenditure (for each mining tenement affected)

(c) (\$)

for the above mining tenement/s during the year/s of the term of the tenement/s ending on —

(d) Expiry date/s of (d)
year/s to which
exemption relates

DATED this day of 20

..... Mining Registrar

..... Mineral Field

”.

10. Second Schedule amended

The Second Schedule is amended in item 4 by inserting after
“conditions” —

“ (per tenement affected) ”.

By Command of the Governor,

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