

MP302\*

Mining Act 1978

## **Mining Amendment Regulations (No. 6) 2002**

Made by the Governor in Executive Council.

**1. Citation**

These regulations may be cited as the *Mining Amendment Regulations (No. 6) 2002*.

**2. The regulations amended**

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

[\* *Reprinted as at 25 July 2002.*]

**3. Regulation 15 amended**

Regulation 15(1) is amended by deleting “wages he would otherwise be entitled to if similarly employed” and inserting instead —

“

remuneration that the holder would be entitled to if engaged, under a contractual arrangement, in similar mining activity

”.

**4. Regulation 16 amended**

Regulation 16(1) is repealed and the following subregulations are inserted instead —

“

(1) A report required under section 51 is to be in the form No. 5 in the First Schedule and is to be filed —

(a) within 60 days after each anniversary date of the commencement of the term of the licence or within any extension of that period under subregulation (1a); and

(b) within 60 days after the surrender, forfeiture, expiry or other cancellation of the licence or within any extension of that period under subregulation (1a).

(1a) The Minister may, in response to a request made before the expiry of the 60 day period referred to in subregulation (1)(a) or (b), extend that period.

”.

**5. Regulation 21 amended**

Regulation 21(3) is amended by deleting “wages the holder would otherwise have earned if similarly employed” and inserting instead —

“

remuneration that the holder would be entitled to if engaged, under a contractual arrangement, in similar mining activity

”.

**6. Regulation 22 amended**

(1) Regulation 22(1) is amended by deleting the passage beginning “filed within 60 days after —” and ending “the report.” and inserting instead —

“

filed —

(a) within 60 days after each anniversary date of the commencement of the term of the licence or

within any extension of that period under subregulation (1a); and

- (b) within 60 days after the surrender, forfeiture, expiry or other cancellation of the licence or within any extension of that period under subregulation (1a).

”.

- (2) After regulation 22(1) the following subregulation is inserted —

“

- (1a) The Minister may, in response to a request made before the expiry of the 60 day period referred to in subregulation (1)(a) or (b), extend that period.

”.

#### 7. **Regulation 23E amended**

- (1) Regulation 23E(1) is amended by deleting the passage beginning “lodged within 60 days after — ” and ending “the report.” and inserting instead —

“

lodged —

- (a) within 60 days after each anniversary date of the commencement of the term of the licence or within any extension of that period under subregulation (1a); and
- (b) within 60 days after the surrender, forfeiture, expiry or other cancellation of the licence or within any extension of that period under subregulation (1a).

”.

- (2) After regulation 23E(1) the following subregulation is inserted —

“

- (1a) The Minister may, in response to a request made before the expiry of the 60 day period referred to in subregulation (1)(a) or (b), extend that period.

”.

#### 8. **Regulation 31 amended**

Regulation 31(1) is amended by deleting “wages he would otherwise be entitled to if similarly employed” and inserting instead —

“

remuneration that the holder would be entitled to if engaged, under a contractual arrangement, in similar mining activity

”.

**9. Regulation 32 amended**

- (1) Regulation 32(1) is amended as follows:

- (a) by deleting “of the Act”;
- (b) by deleting the passage beginning “filed within 60 days after — ” and ending “the reports.” and inserting instead —

“

filed —

- (a) within 60 days after each anniversary date of the commencement of the term of the lease or within any extension of that period under subregulation (1a); and
- (b) within 60 days after the surrender, forfeiture, expiry or other cancellation of the lease or within any extension of that period under subregulation (1a).

”.

- (2) After regulation 32(1) the following subregulation is inserted —

“

- (1a) The Minister may, in response to a request made before the expiry of the 60 day period referred to in subregulation (1)(a) or (b), extend that period.

”.

**10. Regulation 37 amended**

- (1) Regulation 37(1) is amended as follows:

- (a) by inserting after “miscellaneous licence” —

“

, other than a miscellaneous licence described in subregulation (1a),

”;

- (b) by deleting “of the Act”.

- (2) After regulation 37(1) the following subregulation is inserted —

“

- (1a) A miscellaneous licence for the purpose mentioned in regulation 42B(ia) shall be marked out —

- (a) by erecting a post (the “**datum post**”) projecting not less than 1 metre above the ground at a corner or angle of the land in respect of which the licence is sought; and
- (b) by affixing to the datum post a notice in the form No. 20 in the First Schedule and a map as referred to in section 93(2).

”.

**11. Regulation 54 amended**

- (1) Regulation 54(3) is amended by deleting “exemption —”, paragraphs (a) and (b), and “or” after paragraph (a), and inserting instead —

“

exemption within 28 days after the lodgment of the application or within any extension of that period under subregulation (4).

”.

- (2) After regulation 54(3) the following subregulation is inserted —

“

- (4) The Minister may, in response to a request made before the expiry of the 28 day period referred to in subregulation (3), extend that period.

”.

**12. Regulation 69A amended**

Regulation 69A(4) is amended by deleting “(3)” and inserting instead —

“ (2) ”.

**13. Regulation 85 amended**

Regulation 85(1) is amended by deleting the definition of “related corporation” and inserting instead —

“

**“related corporation”**, in relation to a body corporate (the **“first body corporate”**), means a body corporate that, under section 50 of the Corporations Act, is related to the first body corporate;

”.

**14. Regulation 107AA inserted**

After regulation 107A the following regulation is inserted —

“

**107AA. Inclusion of information in register despite late lodgment of report**

- (1) In this regulation —

**“prescribed period”**, in relation to a report, means the period within which the report is required to be filed or lodged under regulation 16, 22, 23E or 32, as the case requires.

- (2) An officer of the Department may extract information from a report referred to in regulation 16, 22, 23E or 32 for the purpose of including it in the register under regulation 106(1) despite the fact that the report was

received at the Department after the expiry of the prescribed period.

”.

**15. Regulation 123 amended**

Regulation 123(a) is amended by deleting “30” and inserting instead —

“ 45 ”.

**16. Regulation 125 amended**

Regulation 125(1) is amended by deleting “14” and inserting instead —

“ 30 ”.

**17. Regulation 126 amended**

Regulation 126 is amended by deleting “30” and inserting instead —

“ 21 ”.

**18. First Schedule amended**

The First Schedule is amended in Form 32 as follows:

(a) by deleting “address” and inserting instead —

“ residential or business address (see Note 1) ”;

(b) at the end of the form by inserting —

“

Note 1: A Post Office Box address is not an acceptable residential or business address. A Post Office Box address may be included in addition to the residential or business address.

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By Command of the Governor,

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

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