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## **MINERALS AND ENERGY**

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**MN301**

MINING ACT 1978

**MINING AMENDMENT REGULATIONS 1997**

Made by His Excellency the Governor in Executive Council.

**Citation**

1. These regulations may be cited as the *Mining Amendment Regulations 1997*.

**Principal regulations**

2. In these regulations the *Mining Regulations 1981\** are referred to as the principal regulations.

[\* *Reprinted as at 18 March 1996.*  
*For amendments to 18 March 1997 see Gazette 19 April and 13 September 1996.*]

**Regulation 10 amended**

3. Regulation 10 (2) (a) of the principal regulations is amended by deleting "of Mines" in the second place where it occurs.

**Regulation 23B amended**

4. Regulation 23B (2) of the principal regulations is amended by deleting "70D (7)" and substituting the following —

" 70D (9) ".

**Regulation 42B amended**

5. Regulation 42B of the principal regulations is amended by inserting after paragraph (i) the following paragraph —

" (ia) a search for groundwater; ".

**Regulation 54 amended**

6. Regulation 54 (3) of the principal regulations is amended —

(a) by deleting ", prior to the hearing or determination of the application,"; and

(b) by deleting "exemption." and substituting the following —

" exemption —

(a) within 28 days of the lodgement of the application; or

(b) within such further period as the Director General of Mines may approve prior to the expiry of the period referred to in paragraph (a).

".

**Regulation 55 amended**

7. Regulation 55 of the principal regulations is amended by inserting after "section 102" the following —

" , or within such further period as the warden considers reasonable, ".

**Regulation 64 amended**

8. Regulation 64 of the principal regulations is amended by inserting after subregulation (5) the following subregulation —

"

(5a) Subregulation (5) does not apply in relation to an application for a special prospecting licence under section 56A, 70 or 85B.

".

**Regulations 66A and 67A repealed**

9. Regulations 66A and 67A of the principal regulations are repealed.

**Regulation 86E amended**

10. Regulation 86E of the principal regulations is amended by deleting "Department of Main Roads" and substituting the following —

" department principally assisting the Minister to whom the administration of the *Main Roads Act 1930* is committed in the administration of that Act "

**Regulation 106 amended**

11. Regulation 106 (1) and (2) of the principal regulations are amended by deleting "Mining Registrar" and substituting in each case the following —

" mining registrar "

**Regulation 109 amended**

12. Regulation 109 of the principal regulations is amended —

(a) by inserting after the regulation designation "109." the subregulation designation "(1)";

(b) by deleting "Fees" and substituting the following —

" Subject to subregulation (2), fees "; and

(c) by inserting the following subregulation —

" (2) The bailiff fees set out in Part II of the Appendix to the *Local Court Rules 1961* are, so far as they are applicable, prescribed as the bailiff fees payable in relation to proceedings under the Act. "

**Regulation 110 amended**

13. Regulation 110 (1) of the principal regulations is amended by deleting "Mining Registrar" and substituting the following —

" mining registrar "

**Regulation 112 amended**

14. Regulation 112 (1) (a) of the principal regulations is amended by inserting after "26" the following —

" or 70F "

**Regulation 127A amended**

15. Regulation 127A of the principal regulations is amended —

(a) by inserting "and" after paragraph (a);

(b) by deleting paragraphs (b) and (c) and "and" after paragraph (b) and substituting the following paragraph —

" (b) Manager, "; and

(c) by deleting "department" and substituting the following —

" Department "

**First Schedule amended**

**16.** The First Schedule to the principal regulations is amended —

- (a) under the heading "Schedule of Forms" —
  - (i) by deleting "16A. Notice of Objection — Rights of Traditional Usage";
  - (ii) by deleting "21A. Report of approved surveyor.";
  - (iii) by inserting after "24. Caveat." the following —  
 " 24A. Withdrawal of Caveat. "; and
  - (iv) by inserting after "43. Injunction." the following —  
 " 44. Report of Approved Surveyor. ";
- (b) in the heading to Form No. 7 by deleting "70B" and substituting the following —  
 " 116 ";
- (c) in the heading to Form No. 9 by inserting after "23A," the following —  
 " 23F, ";
- (d) by deleting Form No. 16A;
- (e) in Form No. 17 by deleting "Mining Registrar's office" and substituting the following —  
 " office of the mining registrar ";
- (f) in Form No. 18 by deleting "Mining Registrar's office" and substituting the following —  
 " office of the mining registrar ";
- (g) in Form No. 21 —
  - (i) by deleting —  
 "
 

OBJECTIONS to this application may be lodged at the Mining Registrar's office at . . . . . on or before the . . . . . day of . . . . . 19 . . . . (see Note 4) and the hearing will take place on the . . . . . day of . . . . . 19 . . . . .

 "
 and substituting the following —  
 "
 

OBJECTIONS to this application may be lodged at the office of the mining registrar at . . . . . on or before the . . . . . day of . . . . . 19 . . . . (see Note 4).  
 Where an objection to this application is lodged the hearing will take place on a date to be set.

 "
 and
  - (ii) by deleting "OBJECTIONS on grounds relating to rights of traditional usage must be lodged on or before the . . . . . day of . . . . . 19 . . . . .";
- (h) in the heading to Form No. 32 by deleting "Secs. 70F, 126" and substituting the following —  
 " Sec. 126 "; and

- (i) in Form No. 39 by inserting after "FORTHWITH TO LEVY" the following —

" BY DISTRESS AND SALE OF THE GOODS ".

**Second Schedule amended**

- 17.** (1) The Second Schedule to the principal regulations is amended in item 1 by deleting —

"  
 Miscellaneous licence per hectare or part  
 thereof . . . . . Reg. 39 9.30 "

and substituting the following —

"  
 Miscellaneous licence per hectare or part  
 thereof —  
 (a) for the purpose referred to in  
 regulation 42B (ia) . . . . . Reg. 39 0.30  
 (b) for any other purpose . . . . . Reg. 39 9.30 "

- (2) The Second Schedule to the principal regulations is further amended by deleting item 14.

By His Excellency's Command,

J. PRITCHARD, Clerk of the Council.