

MN303

MINING ACT 1978

MINING AMENDMENT REGULATIONS (NO. 5) 1993

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Mining Amendment Regulations (No. 5) 1993*.

Principal regulations

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

[* *Reprinted as at 11 August 1988.*
For amendments to 14 December 1993 see 1992 Index to Legislation of Western Australia, Table 4, pp. 182-4, and Gazettes of 2 and 30 July and 19 and 26 November 1993.]

Regulation 49 amended

3. Regulation 49 (3) of the principal regulations is amended by deleting "with the prescribed fee".

Regulation 51B amended

4. Regulation 51B of the principal regulations is amended —
 - (a) by deleting "; and" after paragraph (b) and substituting a fullstop;
and
 - (b) by deleting paragraph (c).

Regulation 55 amended

5. Regulation 55 (a) of the principal regulations is amended by deleting "on payment of the prescribed fee".

Regulation 66A inserted

6. After regulation 66 of the principal regulations the following regulation is inserted —

"

Section 94D notice — map

66A. The map required by section 94D (3) of the Act shall clearly delineate the boundaries of the land in respect of which the tenement is sought and contain sufficient information about features on or in the vicinity of the land to enable the location of the land to be identified.

".

Regulation 67 amended

7. Regulation 67 (1) of the principal regulations is amended by deleting "upon payment of the prescribed fee".

Regulation 67A inserted

8. After regulation 67 of the principal regulations the following regulation is inserted —

“

Objection on grounds relating to rights of traditional usage

67A. A notice of objection under section 94F to the grant of a mining tenement in respect of Crown land, on grounds relating to rights of traditional usage, shall be —

- (a) in the form No. 16A in the First Schedule; and
- (b) lodged at the office of the mining registrar within 70 days of the day on which the application for that mining tenement was lodged.

”.

Regulation 120A amended

9. Regulation 120A (3a) of the principal regulations is amended by deleting “and shall be accompanied by the prescribed fee”.

First Schedule, form 16 amended

10. Form 16 in the First Schedule to the principal regulations is amended by deleting “with fee of \$.....”.

First Schedule, form 16A inserted

11. The First Schedule to the principal regulations is amended by inserting after form 16 the following form —

“

Form 16A

WESTERN AUSTRALIA
Mining Act 1978
(Sec 94F, Reg 67A)

NOTICE OF OBJECTION — Rights of Traditional Usage

(a) Insert the description of the Aboriginal group with sufficient particularity to enable the members to be identified

(a)

group objects, on grounds relating to rights of traditional usage as defined in the *Land (Titles and Traditional Usage) Act 1993*, to the grant of

(b) Insert the name and number of the mining tenement application

(b)

situated in the

(c) Insert the Mineral Field

(c)

Mineral Field

The rights of traditional usage claimed are as follows —

(d) Insert full particulars of traditional use including whether the use is continuous, regular or intermittent

(d)

The area to which these rights of traditional usage apply is set out in the attached map (See note 1 below).

We consider that the grant of the proposed mining tenement will interfere with the claimed rights because —

(e) Insert full statement of the manner in which the grant may interfere with the claimed rights

(e)

(f) Full names of members of the group or other persons authorized to represent and act on behalf of the group

(f)

(g) Address for service of any notice

(g)

Dated this day of 19

(h) Signature of members or agent

(h)

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Mining Registrar

NOTE 1: A map of the land in respect of which rights of traditional usage are claimed must accompany this notice.

NB. If insufficient space for any item mentioned above the information may be attached.

”.

First Schedule, form 21 amended

12. Form 21 in the First Schedule to the principal regulations is amended by inserting after “hearing will take place on the day of 19” the following —

“

OBJECTIONS on grounds relating to rights of traditional usage must be lodged on or before the day of 19

”.

Second Schedule amended

13. The Second Schedule to the principal regulations is amended by deleting item 6.

By His Excellency's Command,

D. G. BLIGHT, Clerk of the Council.
