

MN303

MINING ACT 1978

MINING AMENDMENT REGULATIONS (No. 3) 1991

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Mining Amendment Regulations (No. 3) 1991*.

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 10 May 1991 see 1990 Index to Legislation of Western Australia at P. 316-7.]

Commencement

3. These regulations shall come into operation on 1 July 1991.

Regulation 25 amended

4. Regulation 25 of the principal regulations is amended in paragraph (c) by inserting before "the prescribed" the following—

" subject to regulation 94, "

Regulation 34 amended

5. Regulation 34 of the principal regulations is amended in paragraph (c) by inserting before "the prescribed" the following—

" subject to regulation 94, "

Regulation 45 amended

6. Regulation 45 of the principal regulations is amended in subregulation (3) by inserting after "where applicable" the following—

" , and subject to regulation 94, "

Regulation 94 repealed and regulations substituted

7. Regulation 94 of the principal regulations is repealed and the following regulations substituted—

Waiver of survey fee

“ 94. (1) The Director General of Mines may, from 1 July 1991, waive the payment of a survey fee which is payable—

- (a) with an application for a mining lease, under regulation 25;
- (b) with an application for a general purpose lease, under regulation 34; or
- (c) with a partial surrender under regulation 45.

(2) Where payment of a survey fee has been waived under subregulation (1), the applicant may obtain a survey at his own expense, using an approved surveyor.

Delegation of power to waive fee

94A. The Director General of Mines may, by instrument in writing signed by him, delegate to a person or class of persons, his power to waive a survey fee in accordance with regulation 94. ”.

Regulation 118 amended

8. Regulation 118 of the principal regulations is amended—

- (a) by inserting after regulation designation “118.” the subregulation designation “(1)”;
- (b) in subregulation (1) by deleting “The” and substituting the following—
“ Subject to subregulation (2), the ”; and
- (c) by inserting after subregulation (1) the following subregulation—
“ (2) Subregulations (1) (b) and (c) do not apply to applications lodged on or after 1 July 1991. ”.

Regulation 118A amended

9. Regulation 118A of the principal regulations is amended—

- (a) by inserting after regulation designation “118A.” the subregulation designation “(1)”;
- (b) in subregulation (1) by deleting “Where it is proposed” and substituting the following—
“ Where the Director proposes ”; and
- (c) by inserting after subregulation (1) the following subregulations—
“ (2) Where the lessee proposes or is required to carry out a mining survey of a tenement on or after 1 July 1991, the approved surveyor who is to carry out the survey shall serve by post notice of that fact on an applicant or a holder of any adjoining tenement.
(3) The Director shall provide an approved surveyor with the details of adjoining tenement applicants and holders for the purposes of complying with subregulation (2), when requested to do so by the approved surveyor. ”.

Regulation 118B inserted

10. After regulation 118A of the principal regulations the following regulation is inserted—

When mining surveys are to be carried out

“ 118B. A mining survey, in relation to a lease application lodged after 1 July 1991—

- (a) shall, when required by the Director, be arranged by the applicant as soon as possible; or
- (b) may, where the Director has not indicated that a mining survey is required at any particular time, be arranged by the applicant at any time ”.

Regulation 119 amended

11. Regulation 119 of the principal regulations is amended—

- (a) by inserting after regulation designation “119.” the subregulation designation “(1)”;
- (b) by inserting after subregulation (1) the following subregulation—
“ (2) Subregulation (1) does not apply where the application giving rise to the mining survey is lodged on or after 1 July 1991. ”.

Regulation 120 amended

12. Regulation 120 of the principal regulations is amended by inserting after subregulation (3) the following subregulation—

- “ (4) The Director shall provide an approved surveyor with details relating to priority of adjoining tenements, for the purposes of complying with subregulation (3), when requested to do so by the approved surveyor. ”.

Regulation 120A amended

13. Regulation 120A of the principal regulations is amended—

- (a) after subregulation (2) by inserting the following subregulation—

“ (2a) Subregulations (1) and (2) do not apply where the application giving rise to the mining survey described in subregulation (1) is lodged on or after 1 July 1991. ”.

- (b) in subregulation (3) by deleting “notified under regulation 118A,” and substituting the following—

“ referred to in regulation 118A (1), ”; and

- (c) in subregulation (4) by deleting “and the mining registrar may for that purpose summon the approved surveyor concerned and all other interested parties to attend and give evidence”.

Regulation 120C amended

14. Regulation 120C of the principal regulations is amended—

- (a) in subregulation (3)—

(i) by deleting “, or plans incorrectly drawn,”; and

(ii) by deleting “or plans concerned”; and

- (b) in subregulation (4) (b) by deleting “or drew incorrect plans”.

By His Excellency's Command,

L. AULD, Clerk of the Council.