

MN301**MINING ACT 1978****MINING AMENDMENT REGULATIONS (No. 4) 1990**

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Mining Amendment Regulations (No. 4) 1990*.

Principal regulations

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

[*Reprinted in Gazette No. 82 dated 24 August 1988. For amendments to 24 August 1990 see p.306 of 1989 Index to Legislation of Western Australia and Gazettes of 20 April and 22 June 1990.]

Regulation 7 amended

3. Regulation 7 of the principal regulations is amended by deleting "shall be in the form No. 21 in the First Schedule and be served within 14 days of the date of application" and substituting the following—

" is—

- (a) a copy of the application for the mining tenement; and
- (b) a map or plan on which the boundaries of the land comprising the proposed mining tenement are clearly defined,

to be served within 14 days of the date of lodgment of the application "

Regulation 15 amended

4. Regulation 15 of the principal regulations is amended in subregulation (1) by inserting after "expend" the following—

" or cause to be expended "

Regulation 21 amended

5. Regulation 21 of the principal regulations is amended in subregulation (1) by inserting after "expend" the following—

" or cause to be expended "

Regulation 31 amended

6. Regulation 31 of the principal regulations is amended in subregulation (1) by inserting after "expend" the following—

" or cause to be expended "

Regulation 37 amended

7. Regulation 37 of the principal regulations is amended in subregulation (1) by deleting "substantial".

Regulation 45 amended

8. Regulation 45 of the principal regulations is amended—

- (a) in subregulation (2) by deleting "and pegs"; and
- (b) in subregulation (4) by deleting ", pegs".

**Regulation 52 repealed and
a regulation substituted**

9. Regulation 52 of the principal regulations is repealed and the following regulation is substituted—

**Reduced expenditure where
forfeiture claim lodged**

" 52. Notwithstanding regulations 15 (1), 21 (1) and 31 (1), where a claim for forfeiture of a mining tenement is lodged, a *pro rata* reduction in the annual amount to be expended in respect of the mining tenement applies for each whole month from the date of lodgment to the date of determination of the claim. "

**Regulations 59 and 60 repealed
and regulations substituted**

10. Regulations 59 and 60 of the principal regulations are repealed and the following regulations are substituted—

Manner of marking out a tenement

" 59. (1) Land in respect of which a person is seeking a mining tenement shall, except where other provision is expressly made, be marked out—

- (a) by fixing firmly in the ground at or as close as practicable to each corner or angle of the land concerned, a post projecting at least 1 metre above the ground;
- (b) by cutting 2 clearly identifiable trenches at least 1 metre long from each post in the general direction of the boundary lines; and
- (c) then by fixing firmly to one of the posts as the datum post, notice of marking out in the form No. 20 in the First Schedule.

(2) Where the land adjoins other land in respect of which the same person is seeking or holds a mining tenement, common posts may be used for the marking out of each parcel of land.

**Stones to support posts or
use instead of trenches**

60. Where it is not practicable to fix posts firmly in the ground or establish trenches as referred to in regulation 59 because of the nature of the ground—

- (a) stones may be used to support the posts; or
 - (b) rows of stones may be used instead of trenches,
- as the case may be. "

Regulation 71 amended

11. Regulation 71 of the principal regulations is amended by deleting “, pegs,” and substituting the following—

“ or ”.

Regulation 72 amended

12. Regulation 72 of the principal regulations is amended—

(a) by deleting “, pegs,” and substituting the following—

“ or ”; and

(b) by deleting “or pegs”.

Regulation 73 amended

13. Regulation 73 of the principal regulations is amended by deleting “pegs”.

Regulation 118A inserted

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

Notice of proposed mining surveys

“ 118A. Where it is proposed to carry out a mining survey of a tenement, the Director shall serve by post notice of that fact on—

(a) the applicant for or holder of the tenement concerned; and

(b) an applicant for or a holder of any adjoining tenement. ”.

Regulation 120A amended

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

(a) in subregulation (1) by deleting “pegs” and substituting the following—

“ posts ”;

(b) in subregulation (2) by deleting “to a” and substituting the following—

“ to the ”;

(c) by repealing subregulation (3) and substituting the following subregulations—

“ (3) After a mining survey, the Director shall serve by post on the persons notified under regulation 118A, a copy of the documents referred to in regulation 120E and a covering letter.

(3a) A person who has been served under subregulation (3) may, within 30 days of the date of the covering letter, lodge an objection as to the mining survey and the objection shall be lodged in the form No. 16 in the First Schedule at the office of the mining registrar and shall be accompanied by the prescribed fee.

(3b) The warden may, on written application by a person served under subregulation (3), extend the time for lodging an objection to a period that he considers reasonable in the circumstances of the case. ”;

(d) in subregulation (4) by deleting “by a” and substituting the following—

“ by the ” and

(e) in subregulation (5) by deleting “When a” and substituting the following—

“ When the ”.

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.