



Western Australia

Mining Amendment Act 2023

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Mining Amendment Act 2023

No. 27 of 2023

An Act to amend the *Mining Act 1978*.

[Assented to 17 November 2023]

The Parliament of Western Australia enacts as follows:

s. 1

1. Short title

This is the *Mining Amendment Act 2023*.

2. Commencement

This Act comes into operation as follows —

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on the day after that day.

3. Act amended

This Act amends the *Mining Act 1978*.

4. Section 8 amended

- (1) In section 8(1) insert in alphabetical order:

offsets project means —

- (a) an eligible offsets project as defined in the *Carbon Credits (Carbon Farming Initiative) Act 2011* (Commonwealth) section 5; or
- (b) an offsets project, as defined in the *Carbon Credits (Carbon Farming Initiative) Act 2011* (Commonwealth) section 5, if —
 - (i) the offsets project is the subject of an application under section 22 of that Act; and
 - (ii) a decision on the application has not been made;

- (2) In section 8(2) delete “his” and insert:

the Minister’s

5. Section 42 amended

After section 42(1A) insert:

- (1B) A person is not entitled to lodge a notice of objection if the basis for the objection is that the prospecting licence, or activities authorised by it, would affect an offsets project.
- (1C) Subsection (1B) does not apply in respect of an offsets project, or any part of an offsets project, situated on land held in freehold.

6. Section 59 amended

After section 59(1A) insert:

- (1B) A person is not entitled to lodge a notice of objection if the basis for the objection is that the exploration licence, or activities authorised by it, would affect an offsets project.
- (1C) Subsection (1B) does not apply in respect of an offsets project, or any part of an offsets project, situated on land held in freehold.

7. Section 70D amended

After section 70D(1A) insert:

- (1B) A person is not entitled to lodge a notice of objection if the basis for the objection is that the retention licence, or activities authorised by it, would affect an offsets project.
- (1C) Subsection (1B) does not apply in respect of an offsets project, or any part of an offsets project, situated on land held in freehold.

8. Section 75 amended

Delete section 75(1a) and insert:

- (1A) A person is not entitled to lodge a notice of objection if the basis for the objection is that —
 - (a) there is no significant mineralisation in, on or under the land to which the application relates;
or
 - (b) the mining lease, or activities authorised by it, would affect an offsets project.
- (1B) Subsection (1A)(b) does not apply in respect of an offsets project, or any part of an offsets project, situated on land held in freehold.

9. Section 97A amended

- (1) In section 97A(1) delete “him” and insert:

the person

(2) In section 97A(5) delete “him.” and insert:

the warden.

(3) After section 97A(6A) insert:

(6B) A person is not entitled to lodge a notice of objection if the basis for the objection is that the mining tenement, or activities authorised by it, would affect an offsets project.

(6C) Subsection (6B) does not apply in respect of an offsets project, or any part of an offsets project, situated on land held in freehold.

(4) In section 97A(7):

(a) in paragraph (a) delete “he” and insert:

the warden

(b) in paragraph (b) delete “his” (1st occurrence) and insert:

the Minister’s

(c) in paragraph (b) delete “his” (2nd occurrence) and insert:

the warden’s

(d) in paragraph (b) delete “together with his” and insert:

and setting out the

- (5) In section 97A(8):
- (a) delete “him” and insert:

the Minister
 - (b) delete “he” and insert:

the Minister

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