

Mining Amendment Bill 2012

CONTENTS

Part 1 — Preliminary

- | | | |
|----|--------------|---|
| 1. | Short title | 2 |
| 2. | Commencement | 2 |

Part 2 — *Mining Act 1978* amended

- | | | |
|------|---|---|
| 3. | Act amended | 3 |
| 4. | Section 5 amended | 3 |
| 5. | Section 8 amended | 3 |
| 6. | Section 15 amended | 4 |
| 7. | Section 18 amended | 5 |
| 8. | Section 20 amended | 5 |
| 9. | Sections 20A, 20B and 20C deleted | 5 |
| 10. | Section 21 amended | 5 |
| 11. | Part III Division 2 heading amended | 5 |
| 12. | Section 23 replaced | 6 |
| 23. | Mining on public reserves etc. and
Commonwealth land | 6 |
| 13. | Section 25A inserted | 6 |
| 25A. | Mining on Commonwealth land | 6 |
| 14. | Section 26 amended | 7 |
| 15. | Part IIIA inserted | 8 |

Part IIIA — Miner's rights and related permits

- | | | |
|------|--|----|
| 40A. | Terms used | 8 |
| 40B. | Conservation land | 8 |
| 40C. | Issue of miner's right | 9 |
| 40D. | Authorisation under miner's right | 9 |
| 40E. | Permit to prospect on Crown land or
conservation land subject of exploration
licence | 12 |
| 40F. | Power to remove Crown land or
conservation land from operation of s. 40E | 13 |

Mining Amendment Bill 2012

Contents

	40G. Limitation on actions in tort	14
16.	Section 46 amended	14
17.	Section 56A amended	15
18.	Section 56B amended	15
19.	Section 63 amended	15
20.	Section 65 amended	15
21.	Section 70 amended	17
22.	Section 70H amended	17
23.	Section 74 amended	17
24.	Section 82 amended	18
25.	Section 82A amended	19
26.	Section 91 amended	19
27.	Section 93 amended	19
28.	Section 96 amended	19
29.	Section 96A amended	20
30.	Section 97 amended	20
31.	Section 104 amended	20
32.	Section 105 amended	20
33.	Section 112 amended	21
34.	Section 116 amended	21
35.	Section 154 amended	21
36.	Section 155 amended	22
37.	Section 156 amended	22
38.	Section 160 amended	22
39.	Section 160B replaced	23
	160B. Time limit for prosecution action	23
40.	Section 162B inserted	23
	162B. Extension of prescribed period or time	23
41.	Section 162 amended	23
42.	Second Schedule Division 1 heading inserted	24
	Division 1 — Provisions relating to transition from repealed Act	
43.	Second Schedule Division 2 inserted	24
	Division 2 — Provisions relating to Mining Amendment Act 2012	
16.	Miner's rights	24
17.	Surrender requirements	24
18.	Commonwealth land	25
19.	Time limit for prosecution action	25

**Part 3 — *Mining Amendment
Act 2004* amended**

44.	Act amended	26
45.	Section 19 amended	26

Western Australia

LEGISLATIVE COUNCIL

Mining Amendment Bill 2012

A Bill for

An Act to amend the *Mining Act 1978* and the *Mining Amendment Act 2004*.

The Parliament of Western Australia enacts as follows:

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Part 1 — Preliminary

1. Short title

This is the *Mining Amendment Act 2012*.

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 a day fixed by proclamation, and different days may be fixed for different provisions.

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Part 2 — *Mining Act 1978* amended

3. Act amended

This Part amends the *Mining Act 1978*.

4. Section 5 amended

In section 5(2) delete “Schedule,” and insert:

Schedule Division 1,

5. Section 8 amended

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

Commonwealth land means —

- (a) land in respect of which the Commonwealth holds a freehold or leasehold interest; or
- (b) land that is otherwise vested in or held by the Commonwealth or vested in or held by an officer or person on behalf of the Commonwealth;

miner’s right means a miner’s right issued under section 40C;

processed mineral resource means a substance produced from a mineral that is under the surface of land without the mineral being removed from the land;

(2) In section 8(1) in the definition of ***mining operations***:

(a) after “smelted” insert:

combusted

s. 6

- 1 (b) after “obtaining any mineral” insert:
2
3 or processed mineral resource
4
- 5 (c) after paragraph (c) insert:
6
7 (da) operations by means of which a processed
8 mineral resource is produced and recovered;
9 and
10
- 11 (d) in paragraph (d) delete “lawful”.
- 12 (3) In section 8(1) in the definition of *private land* delete “means
13 any land” and insert:
14
15 means any land, other than Commonwealth land,
16
- 17 **6. Section 15 amended**
- 18 Delete section 15(1) and insert:
19
- 20 (1) A warden who acts or adjudicates in any matter in
21 which the warden has directly or indirectly any
22 pecuniary interest, is guilty of a crime unless —
23 (a) the warden declares the nature of the interest to
24 each of the parties to the matter; and
25 (b) each of the parties consents to the warden so
26 acting or adjudicating.
- 27 Penalty: imprisonment for 2 years or a fine of \$1 000.
28

1 **7. Section 18 amended**

2 Delete section 18(b) and insert:

3

4 (b) where the holder of a miner's right may do the
5 things authorised by section 40D; and

6

7 **8. Section 20 amended**

8 Delete section 20(1), (2) and (3).

9 Note: The heading to amended section 20 is to read:

10 **Protection of certain Crown land**

11 **9. Sections 20A, 20B and 20C deleted**

12 Delete sections 20A, 20B and 20C.

13 **10. Section 21 amended**

14 After section 21(1) insert:

15

16 (2A) In subsection (1) —

17 *land* does not include Commonwealth land.

18

19 **11. Part III Division 2 heading amended**

20 In the heading to Part III Division 2 after “**etc.**” insert:

21

22 **and Commonwealth land**

23

s. 12

1 **12. Section 23 replaced**

2 Delete section 23 and insert:

3

4 **23. Mining on public reserves etc. and Commonwealth**
5 **land**

6 (1) Subject to this Act, a mining tenement may be applied
7 for in respect of the following land (not being land that
8 is already the subject of a mining tenement) —

9 (a) land, or land of a class, to which section 24,
10 24A or 25 applies;

11 (b) Commonwealth land.

12 (2) The holder of a mining tenement in respect of such
13 land must not carry out mining on or under that land
14 otherwise than in accordance with a relevant consent
15 obtained in relation to that land under section 24, 24A,
16 25 or 25A.

17 (3) A mining tenement held in relation to such land is
18 liable to be forfeited if the holder of the tenement —

19 (a) contravenes this section; or

20 (b) is in breach of any term or condition to which a
21 consent given under section 24, 24A, 25 or 25A
22 is made subject.
23

24 **13. Section 25A inserted**

25 After section 25 insert:

26

27 **25A. Mining on Commonwealth land**

28 (1) Mining may be carried out on Commonwealth land
29 with the written consent of the Minister who may
30 refuse consent or who may give consent subject to such

1 terms and conditions as the Minister specifies in the
2 consent.

3 (2) Before giving consent under subsection (1), whether
4 conditionally or unconditionally, the Minister must first
5 consult, and obtain the concurrence of, the Minister of
6 the Commonwealth responsible for the control and
7 management of the land.
8

9 **14. Section 26 amended**

10 (1) In section 26(1) delete “24A and 25” and insert:
11

12 24A, 25 and 25A
13

14 (2) In section 26(3) delete “subsection (2)” and insert:
15

16 subsection (2)(a)
17

18 (3) After section 26(3) insert:
19

20 (4) In relation to any application for a mining tenement in
21 respect of Commonwealth land, the Commonwealth
22 land may be marked out only with the consent of the
23 Minister and the Minister of the Commonwealth
24 responsible for the control and management of the
25 land, but otherwise the land is to be marked out as a
26 mining tenement in accordance with this Act.
27

1 **15. Part IIIA inserted**

2 After section 39 insert:

3

4 **Part IIIA — Miner's rights and related permits**

5 **40A. Terms used**

6 In this Part —

7 **available land**, in relation to a miner's right, means —

- 8 (a) Crown land or conservation land that is not the
9 subject of a mining tenement; or
- 10 (b) Crown land or conservation land that is the
11 subject of an exploration licence if the holder of
12 the miner's right holds a permit under
13 section 40E in respect of the land;

14 **conservation land** means land that is prescribed under
15 section 40B as conservation land for the purposes of
16 this Part.

17 **40B. Conservation land**

- 18 (1) The regulations may prescribe land as conservation
19 land for the purposes of this Part if —
- 20 (a) the land is of the class referred to in
21 section 24(1)(c) and is not land that is classified
22 as a class A reserve; and
- 23 (b) the care, control and management of the land is
24 placed by order under the *Land Administration*
25 *Act 1997* Part 4 with the Conservation
26 Commission.
- 27 (2) Regulations made for the purposes of subsection (1)
28 may only be made with the concurrence of the Minister
29 responsible for the administration of the *Conservation*
30 *and Land Management Act 1984*.

1 **40C. Issue of miner's right**

- 2 (1) The Minister, the Director General of Mines or a
3 mining registrar may, on the application of a natural
4 person and on being satisfied of the identity of the
5 person, issue a miner's right to the person.
- 6 (2) An application for a miner's right must be
7 accompanied by the prescribed application fee (if any).
- 8 (3) A miner's right —
- 9 (a) must be in the prescribed form; and
- 10 (b) is not limited in term; and
- 11 (c) is not transferable.

12 **40D. Authorisation under miner's right**

- 13 (1) Subject to this Act the holder of a miner's right is
14 authorised to do all or any of the following things —
- 15 (a) pass and repass over Crown land or
16 conservation land with such employees and
17 agents, vehicles, machinery and equipment as
18 may be necessary or expedient for the purpose
19 of prospecting and marking out any land which
20 may be made the subject of an application for a
21 mining tenement;
- 22 (b) prospect for minerals and conduct tests for
23 minerals on available land for the purpose of
24 determining whether to mark out or apply for a
25 mining tenement in respect of any part of the
26 land;
- 27 (c) extract or remove from available land samples
28 or specimens of rock, ore or minerals with as
29 little damage to the surface of the land as
30 possible, in quantities, in total or on occasions,
31 not exceeding the prescribed limits;

s. 15

- 1 (d) keep as the holder's property or use for testing
2 or evaluation purposes any samples and
3 specimens of any mineral found by the holder
4 on available land;
- 5 (e) for the purpose of prospecting and for domestic
6 purposes and subject to the *Rights in Water and*
7 *Irrigation Act 1914*, or any Act amending or
8 replacing the relevant provisions of that Act —
- 9 (i) take and use water from any natural
10 spring, lake, pool or watercourse
11 situated in or flowing through available
12 land; and
- 13 (ii) sink a well or bore on available land and
14 take and use water from the well or
15 bore;
- 16 (f) for the purpose of prospecting, camp on Crown
17 land or conservation land in such manner and
18 subject to such conditions as may be
19 prescribed;
- 20 (g) fossick by prescribed means on Crown land or
21 conservation land with the prior written consent
22 of —
- 23 (i) any occupier of that land; and
24 (ii) if the land is subject to a mining
25 tenement, the holder of the mining
26 tenement.
- 27 (2) Every miner's right is to be regarded as having been
28 issued subject to the conditions that the holder of the
29 miner's right or any other person acting in the exercise
30 or purported exercise of an authorisation conferred or
31 alleged to be conferred by subsection (1) —
- 32 (a) must not, on conservation land, do any of the
33 things referred to in that subsection unless

- 1 authorised to do so under the *Conservation and*
2 *Land Management Act 1984*; and
- 3 (b) must not use explosives or tools, other than
4 tools prescribed for the purposes of this
5 paragraph or hand tools; and
- 6 (c) must cause to be filled in or otherwise made
7 safe —
- 8 (i) all holes, pits, trenches and other
9 disturbances on the surface of the land
10 which were made by the person while
11 acting in the exercise or purported
12 exercise of the authorisation and which
13 are likely to endanger the safety of any
14 person or animal; and
- 15 (ii) such other holes, pits, trenches and other
16 disturbances made, wholly or in part, by
17 the person as the Minister may from
18 time to time direct;
- 19 and
- 20 (d) must take all necessary steps to prevent the
21 following —
- 22 (i) fire damage to trees or other property;
23 (ii) damage to property or to livestock by
24 the presence of dogs, the discharge of
25 firearms, the use of vehicles or
26 otherwise.
- 27 (3) The holder of a miner's right is liable to pay
28 compensation in accordance with section 123, as may
29 be agreed or as may be determined by the warden's
30 court on the application of the owner or occupier of the
31 land or of the holder of any mining tenement affected,
32 for any loss or damage caused by, and not made good
33 by, the holder or any other person acting in the exercise

s. 15

- 1 or purported exercise of an authorisation conferred or
2 alleged to be conferred by subsection (1).
- 3 (4) A determination made by the warden's court under
4 subsection (3) is, for the purposes of section 147(1), a
5 final determination of the warden's court.
- 6 **40E. Permit to prospect on Crown land or conservation**
7 **land subject of exploration licence**
- 8 (1) The mining registrar or the holder of a prescribed
9 office in the Department may issue a permit to prospect
10 for minerals on Crown land or conservation land that is
11 the subject of an exploration licence to —
- 12 (a) a natural person who is the holder of a miner's
13 right; or
- 14 (b) 2 or 3 natural persons, each of whom is the
15 holder of a miner's right, as joint holders of the
16 permit.
- 17 (2) A permit cannot be issued under subsection (1) if the
18 applicant for the permit is already the holder of a
19 permit under this section in respect of the exploration
20 licence to which his or her application relates.
- 21 (3) An application for a permit —
- 22 (a) must be made in the prescribed form; and
23 (b) must be lodged in the prescribed manner; and
24 (c) must be accompanied by the prescribed
25 application fee (if any).
- 26 (4) The area of land in respect of which a permit is issued
27 is to be specified in the permit in the prescribed
28 manner.
- 29 (5) A permit is subject to such conditions as are imposed
30 in accordance with the regulations and specified in the
31 permit.

-
- 1 (6) In addition to any conditions that may be imposed
2 under subsection (5) every permit is to be regarded as
3 having been issued subject to conditions that the holder
4 or each holder (in the case of joint holders) —
- 5 (a) must not use explosives or tools, other than
6 hand tools, on the land the subject of the
7 permit; and
- 8 (b) must not prospect below the prescribed depth;
9 and
- 10 (c) must comply with the prescribed limits referred
11 to in section 40D(1)(c); and
- 12 (d) must not prospect within 100 m of any
13 activities that are being carried out under the
14 authority of an exploration licence; and
- 15 (e) must not prospect on land that is the subject of
16 a special prospecting licence under section 70.
- 17 (7) A permit is not transferable.

18 **40F. Power to remove Crown land or conservation land**
19 **from operation of s. 40E**

- 20 (1) The Minister may, by notice published in the *Gazette*,
21 declare that section 40E does not apply to Crown land
22 or conservation land that is —
- 23 (a) the subject of a specified exploration licence; or
24 (b) in a specified block (within the meaning of
25 Part IV Division 2); or
26 (c) in a specified area of the State.
- 27 (2) The Minister may, by notice published in the *Gazette*,
28 vary or cancel a notice under subsection (1).
- 29 (3) A notice under this section takes effect on the day on
30 which the notice is published in the *Gazette* or such
31 later day as is specified in the notice.

s. 16

1 (4) A notice under this section does not affect the
2 operation of a permit issued under section 40E before
3 the day on which the notice takes effect.

4 **40G. Limitation on actions in tort**

5 (1) In this section —

6 *permit* means a permit issued under section 40E;

7 *permit land* means land that is the subject of both the
8 permit and the exploration licence concerned.

9 (2) The holder of a permit cannot bring an action in tort
10 against the holder of an exploration licence for injury,
11 loss or damage suffered by the holder of the permit as a
12 result of —

13 (a) the condition of the permit land; or

14 (b) a thing that the holder of the exploration licence
15 has done on the permit land under the authority
16 of that licence.

17 (3) Nothing in subsection (2)(b) prevents the bringing of
18 an action in tort if the thing was done —

19 (a) with the deliberate intent of causing injury, loss
20 or damage to the holder of the permit; or

21 (b) with reckless disregard for the presence of the
22 holder of the permit on the permit land.

23 (4) In this section a reference to the doing of a thing
24 includes a reference to an omission to do a thing.

25
26 **16. Section 46 amended**

27 After section 46(aa)(i) insert:

28
29 (ia) the holder has paid the prescribed
30 assessment fee in respect of the
31 programme of work; and
32

1 **17. Section 56A amended**

2 In section 56A(1)(a) after “Schedule” insert:

3

4 Division 1

5

6 **18. Section 56B amended**

7 Delete section 56B(1) and insert:

8

9 (1) In this section —

10 *relevant licence* means a prospecting licence applied
11 for before 10 February 2006.

12

13 **19. Section 63 amended**

14 After section 63(aa)(i) insert:

15

16 (ii) the holder has paid the prescribed
17 assessment fee in respect of the
18 programme of work; and

19

20 **20. Section 65 amended**

21 (1) In section 65(1) delete the definition of *end day* and insert:

22

23 *end day*, in relation to an exploration licence, means —

24 (a) the day (the *anniversary day*) that is 6 years
25 after the day on which the licence was granted;
26 or

27 (b) if, on the anniversary day, an application for
28 retention status under section 69A in respect of
29 the whole or part of the land the subject of the

s. 20

- 1 licence has been made but not determined, the
2 day on which that application is determined;
3
- 4 (2) In section 65(1) in the definition of *surrender day* delete
5 paragraph (b).
- 6 (3) In section 65(3):
7 (a) delete “Subject to subsection (3a), on” and insert:
8
9 On
10
11 (b) delete “one block shall” and insert:
12
13 10 blocks must
14
- 15 (4) Delete section 65(3a), (3b), (3c), (3d) and (4) and insert:
16
- 17 (3A) Subsection (3) does not apply to the holder of an
18 exploration licence for which retention status has been
19 approved under section 69B(1).
- 20 (4) If the holder of an exploration licence fails to lodge a
21 surrender in accordance with subsection (3), the
22 Minister must, by notice in writing, require the holder
23 to lodge the surrender for registration within a period
24 specified in the notice.
25
- 26 (5) In section 65(4b) delete “3 discrete” and insert:
27
28 6 discrete
29

1 **21. Section 70 amended**

2 In section 70(1)(a) after “Schedule” insert:

3

4 Division 1

5

6 **22. Section 70H amended**

7 After section 70H(1)(aa)(i) insert:

8

9 (ia) the holder has paid the prescribed
10 assessment fee in respect of the
11 programme of work; and
12

13 **23. Section 74 amended**

14 (1) In section 74(1):

15 (a) in paragraph (ca)(ii) delete “person;” and insert:

16

17 person; or

18

19 (b) after paragraph (ca)(ii) insert:

20

21 (iii) a statement in accordance with
22 subsection (1a) and a resource report;
23

24 (2) In section 74(1a) after “(1)(ca)(ii)” insert:

25

26 and (iii)

27

s. 24

1 (3) In section 74(7) insert in alphabetical order:

2

3 *JORC Code* means the *Australasian Code for*
4 *Reporting of Exploration Results, Mineral Resources*
5 *and Ore Reserves* prepared by the Joint Ore Reserves
6 Committee of the Australasian Institute of Mining and
7 Metallurgy, the Australian Institute of Geoscientists
8 and the Minerals Council of Australia as in force from
9 time to time;

10 *resource report* means a report —

- 11 (a) that sets out details of the mineral resources
12 located in, on or under the land to which the
13 application relates; and
14 (b) that complies with the JORC Code; and
15 (c) that has been made to the Australian Securities
16 Exchange Limited.

17

18 (4) In section 74(7) in the definition of *qualified person* delete
19 “experience.” and insert:

20

21 experience;

22

23 **24. Section 82 amended**

24 In section 82(1)(ca)(i) after “use” insert:

25

26 and has paid the prescribed assessment fee in respect of the
27 programme

28

1 **25. Section 82A amended**

2 After section 82A(2)(a) insert:

3

4 (ba) to pay the prescribed assessment fee in respect
5 of the mining proposal; and

6

7 **26. Section 91 amended**

8 In section 91(6) delete “mining operations.” and insert:

9

10 mining.

11

12 **27. Section 93 amended**

13 (1) Delete section 93(1).

14 (2) In section 93(2) delete “The” and insert:

15

16 An

17

18 Note: The heading to amended section 93 is to read:

19 **Map to accompany application**

20 **28. Section 96 amended**

21 Delete section 96(3)(a) and insert:

22

23 (a) impose on the holder of the mining tenement —

24 (i) in a case where expenditure conditions
25 have not been complied with, a penalty
26 not exceeding \$10 000;

27 (ii) in any other case, a penalty not
28 exceeding \$75 000 if the holder is an

s. 29

1 individual or \$150 000 if the holder is a
2 body corporate;

3 or
4

5 **29. Section 96A amended**

6 Delete section 96A(5)(a) and insert:

7
8 (a) impose on the holder of the licence a penalty
9 not exceeding \$75 000 if the holder is an
10 individual or \$150 000 if the holder is a body
11 corporate; or
12

13 **30. Section 97 amended**

14 Delete section 97(5)(a) and insert:

15
16 (a) impose on the lessee a penalty not exceeding
17 \$75 000 if the lessee is an individual or
18 \$150 000 if the lessee is a body corporate; or
19

20 **31. Section 104 amended**

21 In section 104(4) after “any” insert:

22
23 Commonwealth land or
24

25 **32. Section 105 amended**

26 In section 105(1) delete “licence or a retention” and insert:

27
28 licence, a retention licence or a miscellaneous
29

1 **33. Section 112 amended**

2 In section 112(2):

3 (a) in paragraph (b) delete “land.” and insert:

4

5 land; or

6

7 (b) after paragraph (b) insert:

8

9 (c) wholly in respect of Commonwealth land is not
10 subject to the reservation referred to in
11 subsection (1); or

12 (d) partly in respect of any Commonwealth land
13 and partly in respect of land other than
14 Commonwealth land is not subject to the
15 reservation referred to in subsection (1) in
16 relation to that Commonwealth land.
17

18 **34. Section 116 amended**

19 In section 116(1) delete “shall be entitled” and insert:

20

21 is entitled, on payment of the prescribed fee,

22

23 **35. Section 154 amended**

24 In section 154(2):

25 (a) delete “\$10 000” and insert:

26

27 \$20 000

28

s. 36

1 (b) delete “\$1 000” and insert:

2

3 \$2 000

4

5 **36. Section 155 amended**

6 In section 155(1) delete the Penalty and insert:

7

8 Penalty:

9 (a) for an individual — a fine of \$150 000 and,
10 if the offence is a continuing one, a further
11 fine of \$15 000 for each day or part of a day
12 during which the offence has continued;

13 (b) for a body corporate — a fine of \$300 000
14 and, if the offence is a continuing one, a
15 further fine of \$30 000 for each day or part
16 of a day during which the offence has
17 continued.
18

19 **37. Section 156 amended**

20 In section 156(2) delete “20(2)(c).” and insert:

21

22 40D(1)(c).

23

24 **38. Section 160 amended**

25 In section 160(1) delete “20C,” and insert:

26

27 40G,

28

1 **39. Section 160B replaced**

2 Delete section 160B and insert:

3

4 **160B. Time limit for prosecution action**

5 A prosecution for an offence against this Act must be
6 commenced within 3 years after the day on which the
7 offence is alleged to have been committed.

8

9 **40. Section 162B inserted**

10 After section 162A insert:

11

12 **162B. Extension of prescribed period or time**

13 (1) If this Act provides for something to be done within a
14 prescribed period or a prescribed time, the Minister or
15 a warden may, in a particular case, extend the period or
16 the time for doing the thing.

17 (2) The power in subsection (1) may be exercised whether
18 or not the prescribed period has ended or the prescribed
19 time has passed.

20

21 **41. Section 162 amended**

22 In section 162(2):

23 (a) in paragraph (cb) delete “20A,” and insert:

24

25 40E,

26

27 (b) in paragraph (cb)(v) delete “20A(5) or (6)” and insert:

28

29 40E(5) or (6)

30

s. 42

1 (c) delete paragraph (gb).

2 **42. Second Schedule Division 1 heading inserted**

3 Before the Second Schedule clause 1 insert:

4

5 **Division 1 — Provisions relating to transition from**
6 **repealed Act**

7

8 **43. Second Schedule Division 2 inserted**

9 At the end of the Second Schedule insert:

10

11 **Division 2 — Provisions relating to *Mining Amendment***
12 ***Act 2012***

13 **16. Miner's rights**

14 (1) In this clause —

15 *commencement day* means the day on which the *Mining*
16 *Amendment Act 2012* section 15 comes into operation.

17 (2) A miner's right in force under this Act immediately before
18 commencement day is taken to be a miner's right issued
19 under section 40C.

20 **17. Surrender requirements**

21 (1) In this clause —

22 *commencement day* means the day on which the *Mining*
23 *Amendment Act 2012* section 20 comes into operation.

24 (2) Section 65, as in force immediately before commencement
25 day, applies in relation to an exploration licence if —

26 (a) the licence was granted on an application made after
27 10 February 2006; and

28 (b) an application for deferral under subsection (3b) of
29 that section was made in relation to the licence

1 before commencement day but not determined
2 before that day.

3 **18. Commonwealth land**

4 (1) In this clause —

5 *commencement day* means the day the *Mining Amendment*
6 *Act 2012* section 13 comes into operation;

7 *existing application* means an application for an exploration
8 licence made but not determined before commencement
9 day;

10 *transition period* means the period beginning on
11 commencement day and ending 3 months after that day.

12 (2) During the transition period —

13 (a) a person who has made an existing application in
14 respect of Commonwealth land has a right in
15 priority to a person who has not made such an
16 application to mark out or apply for a mining
17 tenement in respect of the land the subject of the
18 existing application; and

19 (b) if more than one person has made an existing
20 application in respect of the same Commonwealth
21 land, priority is to be determined according to the
22 date and time of the making of the existing
23 applications.

24 **19. Time limit for prosecution action**

25 (1) In this clause —

26 *commencement day* means the day on which the *Mining*
27 *Amendment Act 2012* section 39 comes into operation.

28 (2) Despite section 160B, a prosecution for an offence that is
29 alleged to have been committed before commencement day
30 must be commenced within one year after the day on which
31 the offence is alleged to have been committed.
32

1 **Part 3 — Mining Amendment Act 2004 amended**

2 **44. Act amended**

3 This Part amends the *Mining Amendment Act 2004*.

4 **45. Section 19 amended**

5 (1) In section 19(3) delete “may,” and insert:

6

7 must,

8

9 (2) Delete section 19(6) and insert:

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11 (6) For the purposes of the application of section 65(1a) of
12 the old provisions as modified by subsection (5) each
13 of the following is a ground for exemption —

14

(a) by reason of difficulties or delays —

15

(i) occasioned by law; or

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(ii) arising from administrative, political,
17 environmental or other requirements of
18 governmental or other authorities, in the
19 State or elsewhere; or

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(iii) arising from a requirement to conduct
21 an Aboriginal heritage survey on the
22 land to which the application for
23 exemption relates (the *relevant land*); or

24

(iv) in obtaining requisite consents or
25 approvals for exploration or for the
26 marking out of a mining lease or general
27 purpose lease in relation to any part of
28 the relevant land; or

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- (v) in gaining access to the relevant land because of unfavourable climatic conditions,
the exploration programme, or the marking out and application appropriate to a mining lease or general purpose lease in relation to the relevant land, could not be undertaken or completed or is restricted in a manner that is, or subject to conditions that are, for the time being impracticable;
 - (b) work already carried out under the licence justifies further exploration.
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