Mining Act 1978

Mining Amendment Regulations (No. 2) 2020

SL 2020/119

Made by the Governor in Executive Council.

1.   Citation

These regulations are the *Mining Amendment Regulations (No. 2) 2020*.

2.   Commencement

These regulations come into operation as follows —

(a)   regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;

(b)   the rest of the regulations — on the day after that day.

3.   Regulations amended

These regulations amend the *Mining Regulations 1981*.

4.   Regulation 127B amended

In regulation 127B(1) delete "residential, business or postal" and insert:

residential or business

5.   Regulation 127CC amended

In regulation 127CC(2)(a) delete "postal address," and insert:

residential or business address,

6.   Regulation 137 amended

(1)   In regulation 137(1) delete the definition of *agent*.

(2)   In regulation 137(1) insert in alphabetical order:

agent means a person acting for a party under regulation 168A(1)(c) or (2)(c);

officer, in relation to a body corporate, has the same meaning as that term has in relation to a corporation in the Corporations Act section 9;

7.   Regulation 149 amended

In regulation 149(1) delete "residential, business or postal" and insert:

residential or business

8.   Regulation 150B amended

In regulation 150B(3)(a) delete "postal address," and insert:

residential or business address,

9.   Regulation 156 amended

Delete regulation 156(2) and insert:

(2)   If a party is a body corporate, the body corporate is taken to attend for the purposes of subregulation (1) if any of the following attend on behalf of the body corporate —

    (a)   an officer of the body corporate;

    (b)   an employee of the body corporate who has written authority from an officer of the body corporate to attend the hearing.

10.   Part VIII Division 8A inserted

After Part VIII Division 8 insert:

Division 8A — Representation of parties

168A.   Representation

(1)   A party who is an individual may —

    (a)   appear in person; or

    (b)   be represented by a lawyer; or

    (c)   be represented by a person who is not a lawyer —

        (i)   at a mention hearing; or

        (ii)   with the leave of the warden given under regulation 168C — at any other hearing.

(2)   A party that is a body corporate may —

(a)   be represented by —

    (i)   one of its officers; or

    (ii)   one of its employees who has written authority from one of its officers to represent the body corporate;

or

(b)   be represented by a lawyer; or

(c)   be represented by a person who is not a lawyer —

    (i)   at a mention hearing; or

    (ii)   with the leave of the warden given under regulation 168C — at any other hearing.

(3)   Subregulations (1)(b) and (c)(i) and (2)(b) and (c)(i) are subject to regulation 168B.

(4)   This regulation does not affect the operation of regulation 155 or 156.

168B.   Notice of representation

(1)   This regulation applies if —

(a)   a party is represented by a lawyer; or

(b)   a party is represented by an agent at a mention hearing under regulation 168A(1)(c)(i) or (2)(c)(i).

(2)   The party must lodge and serve notice of that representation as soon as practicable before the first hearing at which the lawyer or agent will represent the party.

(3)   If there is a change in that representation, the party must lodge and serve notice of that change as soon as practicable before the first hearing at which the new lawyer or agent will represent the party.

(4)   If a party that has lodged and served a notice under subregulation (2) or (3) is no longer represented by a lawyer or an agent, the party must lodge and serve notice of that fact as soon as practicable before the first hearing at which the party will not be represented by a lawyer or an agent.

(5)   A notice under this regulation must be in the form approved by the Director General of Mines.

168C.   Leave to be represented by agent

(1)   A party may apply to the warden for leave to be represented by an agent at a hearing other than a mention hearing if exceptional circumstances exist.

(2) An application under subregulation (1) must —

    (a) be in writing; and

    (b) specify the exceptional circumstances that exist; and

    (c) specify the agent intended to represent the party; and

    (d) be lodged and served by the party at least 14 days before the first hearing at which it is intended the agent will represent the party.

(3) The warden may give a party that makes an application under subregulation (1) leave to be represented by the agent specified in the application if the warden is satisfied that exceptional circumstances exist.

(4) If the warden gives a party leave to be represented by an agent, the party must lodge and serve notice of that representation as soon as practicable before the first hearing at which the agent will represent the party.

(5) If, after the warden gives a party leave to be represented by an agent, there is a change in the agent, the party must obtain the leave of the warden in respect of the new agent and this regulation applies accordingly.

(6) If a party that has been given leave by the warden to be represented by an agent is no longer represented by an agent, the party must lodge and serve notice of that fact as soon as practicable before the first hearing at which the party will not be represented by an agent.

(7) A notice under subregulation (4) or (6) must be in the form approved by the Director General of Mines.

11. Regulation 169 deleted

Delete regulation 169.

12. Schedule 1 Form 16 amended

In Schedule 1 Form 16:

    (a) delete "(e) Signature of objector/agent/lawyer (See Note 1)" and insert:

        (e) Signature of objector/lawyer/ authorised representative (see Notes 1 and 1A)

    (b) in paragraph (f) delete "objector/agent/lawyer" and insert:

objector/lawyer

   (c)   after Note 1 insert:

   1A.   If this form is signed by an agent of the objector, the agent must state the agent's full name.

13.   Schedule 1 Form 35A amended

In Schedule 1 Form 35A:

   (a)   in paragraph (e) delete "(See Note 1)" and insert:

       (See Notes 1 and 1A)

   (b)   delete "(f) Address for service" and insert:

       (f)   Address for service of applicant/lawyer

   (c)   after Note 1 insert:

   1A.   If this form is signed by an agent of the applicant, the agent must state the agent's full name.

14.   Schedule 1 Form 36 amended

In Schedule 1 Form 36:

   (a)   delete "(e) Signature of applicant/lawyer/authorised representative (See Note)" and insert:

       (e)   Signature of respondent/lawyer/ authorised representative (see Notes)

   (b)   delete "(f) Address for service" and insert:

       (f)   Address for service of respondent/lawyer

   (c)   delete the Note and insert:

   NOTES: 1.   If this form is signed by a person who is an employee of the respondent, the person must state the person's full name and the position in which the person is employed.

2. If this form is signed by an agent of the respondent, the agent must state the agent's full name.

15. Schedule 1 Form 36A amended

In Schedule 1 Form 36A:

(a) delete "(e) Signature of applicant/lawyer/agent (if agent, state full name)" and insert:

(e) Signature of applicant/lawyer/ authorised representative (see Notes 3 and 4)

(b) after Note 2 insert:

3. If this form is signed by a person who is an employee of the applicant, the person must state the person's full name and the position in which the person is employed.

4. If this form is signed by an agent of the applicant, the agent must state the agent's full name.

R. NEILSON, Clerk of the Executive Council.

Mining Act 1978

Mining (Ellendale Diamond Royalties) Repeal Regulations 2021

SL 2021/44

Made by the Governor in Executive Council.

1.   Citation

These regulations are the *Mining (Ellendale Diamond Royalties) Repeal Regulations 2021*.

2.   Commencement

These regulations come into operation as follows —

(a)   regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;

(b)   the rest of the regulations — on the day after that day.

3.   Regulations repealed

The *Mining (Ellendale Diamond Royalties) Regulations 2002* are repealed.

V. MOLAN, Clerk of the Executive Council.