

**Approvals and Related Reforms (No. 2)
(Mining) Bill 2009**

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Western Australia

LEGISLATIVE COUNCIL

**Approvals and Related Reforms (No. 2)
(Mining) Bill 2009**

A Bill for

An Act to amend the *Mining Act 1978* and for related purposes.

The Parliament of Western Australia enacts as follows:

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Part 1 — Preliminary matters

1. Short title

This is the *Approvals and Related Reforms (No. 2) (Mining) Act 2009*.

2. Commencement

This Act comes into operation as follows —

- (a) Part 1 — 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.

1 **Part 2 — Mine closure plans, and other measures to**
2 **minimise damage to land, under *Mining Act 1978***

3 **3. Act amended**

4 This Part amends the *Mining Act 1978*.

5 **4. Section 6 amended**

6 After section 6(2) insert:

7
8 (3) Whenever a provision of the *Contaminated Sites*
9 *Act 2003* is inconsistent with a provision of this Act or
10 a mining tenement, the provision of the *Contaminated*
11 *Sites Act 2003* prevails.
12

13 **5. Section 46A amended**

14 In section 46A(1):

15 (a) delete “natural surface of the”;

16 (b) after “anything on” insert:

17
18 or below
19

20 **6. Section 63AA amended**

21 In section 63AA(1):

22 (a) delete “natural surface of the”;

23 (b) after “anything on” insert:

24
25 or below
26

s. 7

1 **7. Section 70I amended**

2 In section 70I(1):

- 3 (a) delete “natural surface of the”;
- 4 (b) after “anything on” insert:
- 5
- 6 or below
- 7

8 **8. Section 70O amended**

9 (1) In section 70O(1) insert in alphabetical order:

10

11 ***mine closure plan*** means a document that —

- 12 (a) is in the form required by the guidelines; and
- 13 (b) contains information of the kind required by the
- 14 guidelines about the decommissioning of each
- 15 proposed mine, and the rehabilitation of the
- 16 land, in respect of which a mining lease is
- 17 sought or granted, as the case requires;

18 ***relevant mining proposal***, in relation to a mining lease,

19 means —

- 20 (a) a mining proposal that accompanied the
- 21 application for the mining lease under
- 22 section 74(1)(ca); or
- 23 (b) a mining proposal for which there is approval
- 24 as described in section 82A(2)(b).

25 (2) In section 70O(1) in the definition of ***mining proposal***:

- 26 (a) in paragraph (b) delete “requires;” and insert:
- 27
- 28 requires; and
- 29

- 1 (b) after paragraph (b) insert:
2
3 (c) contains a mine closure plan;
4

5 **9. Section 82 amended**

- 6 (1) After section 82(1)(f) insert:
7
8 (ga) in accordance with section 84AA —
9 (i) review the mine closure plan contained
10 in a relevant mining proposal; and
11 (ii) obtain the written approval for the
12 reviewed mine closure plan from a
13 prescribed official;
14
15 (2) Delete section 82(1a).

16 **10. Section 84AA inserted**

17 After section 83 insert:
18

19 **84AA. Review of mine closure plans**

- 20 (1) The lessee of a mining lease must ensure that the mine
21 closure plan contained in a relevant mining proposal is
22 reviewed —
23 (a) in the case of a mining proposal that
24 accompanied the application for the mining
25 lease under section 74(1)(ca), no later than
26 3 years after the lease is granted; or
27 (b) in the case of a mining proposal for which there
28 is approval as described in section 82A(2)(b),
29 no later than 3 years after the approval; or

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Part 2 Mine closure plans, and other measures to minimise damage to land, under Mining Act 1978

s. 11

- 1 (c) no later than such other time as is approved in
2 writing by a prescribed official.
- 3 (2) The lessee of a mining lease must ensure that a mine
4 closure plan is reviewed no later than —
5 (a) 3 years after its most recent review; or
6 (b) such other time as is approved in writing by a
7 prescribed official.
- 8 (3) The lessee of a mining lease must ensure that a
9 reviewed mine closure plan is lodged, for the approval
10 of a prescribed official, in the prescribed manner and
11 within the prescribed time.
12

13 **11. Section 84 amended**

14 In section 84(1):

- 15 (a) delete “natural surface of the”;
16 (b) after “anything on” insert:

17
18 or below
19

20 **12. Section 123 amended**

21 In section 123(4)(b) delete “natural surface of the”.

Part 3 — Lodgment of documents under *Mining Act 1978*

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13. Act amended

This Part amends the *Mining Act 1978*.

14. Section 8 amended

In section 8(1) delete the definition of *the office of the mining registrar*.

15. Section 20A amended

In section 20A(3):

(a) in paragraph (b) delete “at the office of the mining registrar or the principal office of the Department at Perth; and” and insert:

in the prescribed manner; and

(b) after paragraph (a) insert:

and

16. Section 41 amended

In section 41(1):

(a) in paragraph (e) delete “at the office of the mining registrar;” and insert:

in the prescribed manner; and

(b) after each of paragraphs (a), (b) and (c) insert:

and

s. 17

1 **17. Section 42 amended**

2 In section 42(1) delete “at the office of the mining registrar”.

3 **18. Section 51 amended**

4 In section 51 delete “with the Department at Perth”.

5 **19. Section 52 amended**

6 (1) In section 52(1) delete “at the office of the mining registrar” and
7 insert:

8

9 in the prescribed manner and

10

11 (2) In section 52(1a) delete “lodge at the office of the mining
12 registrar or the Department at Perth,” and insert:

13

14 lodge, in the prescribed manner and

15

16 **20. Section 56A amended**

17 In section 56A(5a) delete “period, lodge at the office of the
18 mining registrar” and insert:

19

20 period and in the prescribed manner, lodge

21

22 **21. Section 58 amended**

23 (1) In section 58(1):

24 (a) in paragraph (d) delete “at the office of the mining
25 registrar; and” and insert:

26

27 in the prescribed manner; and

28

- 1 (b) after each of paragraphs (a), (b) and (c) insert:
2
3 and
4
5 (c) in paragraph (b) after each of subparagraphs (i) and (ii)
6 insert:
7
8 and
9
- 10 (2) Delete section 58(1a).
- 11 **22. Section 59 amended**
12 In section 59(1) delete “at the office of the mining registrar”.
- 13 **23. Section 60 amended**
14 (1) In section 60(1) delete “lodge at the office of the mining
15 registrar” and insert:
16
17 lodge, in the prescribed manner and
18
- 19 (2) In section 60(1a) delete “lodge at the office of the mining
20 registrar or the Department at Perth,” and insert:
21
22 lodge, in the prescribed manner and
23
- 24 **24. Section 67A amended**
25 In section 67A(6a)(c) delete “at the office of the mining
26 registrar.” and insert:
27
28 in the prescribed manner.
29

s. 25

1 **25. Section 68 amended**

2 In section 68(3) delete “with the Department at Perth”.

3 **26. Section 70 amended**

4 In section 70(5a) delete “period, lodge at the office of the
5 mining registrar” and insert:

6

7 period and in the prescribed manner, lodge

8

9 **27. Section 70C amended**

10 (1) In section 70C(1):

11 (a) in paragraph (d) delete “at the office of the mining
12 registrar;” and insert:

13

14 in the prescribed manner; and

15

16 (b) in paragraph (e)(ii) delete “work; and” and insert:

17

18 work.

19

20 (c) delete paragraph (f);

21 (d) after each of paragraphs (a), (b) and (c) insert:

22

23 and

24

- 1 (2) After section 70C(1) insert:
2
- 3 (2A) An applicant is to lodge within the prescribed time and
4 in the prescribed manner a statutory declaration made
5 by the applicant to the effect that —
6 (a) there is an identified mineral resource in the
7 area in respect of which the licence is sought;
8 and
9 (b) mining of that identified mineral resource is for
10 the time being impracticable for one or more of
11 the reasons referred to in subsection (2) (that
12 reason or those reasons being set out in the
13 statutory declaration).
14
- 15 (3) In section 70C(2) delete “(1)(f)(ii)” and insert:
16
- 17 (2A)(b)
18
- 19 **28. Section 70D amended**
20 In section 70D(1) delete “at the office of the mining registrar”.
- 21 **29. Section 70F amended**
22 (1) In section 70F(1) delete “lodge at the office of the mining
23 registrar,” and insert:
24
- 25 lodge, in the prescribed manner and
26

s. 30

1 (2) In section 70F(2) delete “lodge at the office of the mining
2 registrar or the Department at Perth,” and insert:

3

4 lodge, in the prescribed manner and

5

6 **30. Section 70H amended**

7 In section 70H(1)(f) delete “lodge with the Department at Perth”
8 and insert:

9

10 lodge, in the prescribed manner,

11

12 **31. Section 74 amended**

13 (1) In section 74(1):

14 (a) in paragraph (d) delete “at the office of the mining
15 registrar.” and insert:

16

17 in the prescribed manner.

18

19 (b) after each of paragraphs (a), (b) and (c) insert:

20

21 and

22

23 (2) After section 74(1) insert:

24

25 (1AA) Instead of accompanying an application for a mining
26 lease under subsection (1)(ca), a mining proposal may
27 be lodged within the prescribed time and in the
28 prescribed manner and, if so lodged, is to be treated for
29 the purposes of this Division as a mining proposal that
30 accompanied the application for the mining lease under
31 section 74(1)(ca).

32

1 **32. Section 75 amended**

2 In section 75(1) delete “at the office of the mining registrar”.

3 **33. Section 82 amended**

4 In section 82(1)(e) delete “lodge with the Department at Perth”
5 and insert:

6

7 lodge, in the prescribed manner,

8

9 **34. Section 84A amended**

10 (1) In section 84A(1) delete “lodge at the office of the mining
11 registrar,” and insert:

12

13 lodge, in the prescribed manner and

14

15 (2) In section 84A(2) delete “lodge at the office of the mining
16 registrar or the Department at Perth,” and insert:

17

18 lodge, in the prescribed manner and

19

20 **35. Section 97A amended**

21 (1) In section 97A(3):

22 (a) in paragraph (b) delete “at the office of the mining
23 registrar; and” and insert:

24

25 in the prescribed manner; and

26

s. 36

- 1 (b) after paragraph (a) insert:
2
3 and
4
- 5 (2) In section 97A(6) delete “at the office of the mining registrar”.
- 6 **36. Section 105A amended**
- 7 (1) In section 105A(3):
8 (a) delete “same time,” and insert:
9
10 same time or within a prescribed period,
11
12 (b) delete “at the office of the mining registrar” and insert:
13
14 in the prescribed manner and
15
- 16 (2) In section 105A(4)(a) delete “at the office of the mining
17 registrar;” and insert:
18
19 in the prescribed manner;
20
- 21 (3) In section 105A(4)(b):
22 (a) in subparagraph (ia) delete “at the office of the mining
23 registrar;” and insert:
24
25 in the prescribed manner;
26
27 (b) in subparagraph (ii) delete “at the office of the mining
28 registrar;” and insert:
29
30 in the prescribed manner;
31

1 **37. Section 115A amended**

2 In section 115A(3) delete “with the Department at Perth” and
3 insert:

4
5 in the prescribed manner

6
7 **38. Section 115B amended**

8 In section 115B(2) delete “with the Department at Perth” and
9 insert:

10
11 in the prescribed manner and

12
13 **39. Section 122A amended**

14 (1) In section 122A(1) delete “lodge at the Department at Perth or
15 at the office of the mining registrar —” and insert:

16
17 lodge —

18
19 (2) In section 122A(2) delete “at the Department at Perth or at the
20 office of the mining registrar”.

21 (3) In section 122A(3):

22 (a) after paragraph (a) insert:

23
24 (ba) be lodged in the prescribed manner; and

25
26 (b) after each of paragraphs (a), (b) and (c) insert:

27
28 and

29

s. 40

1 **40. Section 123 amended**

2 In section 123(3)(a) delete “lodged at the office of the mining
3 registrar and”.

4 **41. Section 136 amended**

5 After section 136(2) insert:
6

7 (3) The rules of court may provide for documents to be
8 lodged with or issued by a warden’s court, or served, in
9 an electronic form.
10

11 **42. Section 162 amended**

12 (1) After section 162(2)(d) insert:
13

14 (ea) provide for matters relating to the lodgment, in
15 electronic form, of mining tenement
16 documents;

17 (eb) provide for the time at which a mining
18 tenement document is to be taken to have been
19 lodged;
20

21 (2) In section 162(2)(ka)(v) delete “surveys with the Department;”
22 and insert:
23

24 surveys;
25

26 (3) After section 162(2)(rb) insert:
27

28 (rca) provide for documents for use in Part IV
29 proceedings to be lodged with or issued by the
30 warden, or served, in electronic form;
31

1 (4) After section 162(2a) insert:

2

3 (3A) In subsection (2) —

4 *mining tenement document* means —

5 (a) an application for a mining tenement; or

6 (b) an agreement, claim, notice of objection,
7 security, or any other document, in respect of a
8 mining tenement.

9

10 **43. Second Schedule clause 13 amended**

11 In the Second Schedule clause 13 delete “registrar.” and insert:

12

13 registrar of the mineral field or district in which the largest
14 portion of the land to which the application relates is
15 situated.

16

17
