

LEGISLATIVE COUNCIL

AMENDMENTS AND SCHEDULES

Supplementary Notice Paper No. 298
Issue No. 2

WEDNESDAY, 17 OCTOBER 2012

MINING REHABILITATION FUND BILL 2012 [298-1]

When in committee on the *Mining Rehabilitation Fund Bill 2012*:

New Clause 9A

Hon Robin Chapple: To move –

2/NC9A Page 7, after line 20 — To insert —

9A. Abandonment of a mine site without satisfying statutory requirements

- (1) A person who holds a mining authorisation in relation to a mine site that has been declared an abandoned mine site under section 9 and who, without reasonable excuse, has failed or refused to —
 - (a) comply with the requirements of a relevant mine closure plan established under the *Mining Act 1978*; and/or
 - (b) undertake all measures that are required to be undertaken before the abandonment of mining operations pursuant to the *Mines Safety and Inspection Act 1994*,

commits an offence against this Act.

Penalty:

- (a) for an individual, a fine of \$250 000 and \$50 000 for each day during which the offence continues;
 - (b) for a body corporate, a fine of \$500 000 and \$100 000 for each day during which the offence continues.
- (2) Where a body corporate is convicted of an offence against subsection (1), every director and every other officer of the body corporate concerned in the management thereof is guilty of the offence if it is proved that the act or omission that constituted the offence took place with his authority, permission or consent.

New Clause 9B**Hon Robin Chapple:** To move –**3/NC9B** Page 7, after line 20 — To insert —**9B. Disclosure required to potential transferees of a mining authorisation before a transfer occurs**

- (1) At least 14 days before the completion of a transaction which would result in the transfer of a mining authorisation, the transferor must give —
 - (a) a written disclosure in respect of the estimated rehabilitation work required on the land which is the subject of the authorisation in the prescribed form to the transferee; and
 - (b) a copy of that disclosure to the CEO.

Penalty: a fine of \$125 000 and a daily penalty of \$25 000.

- (2) A contravention of subsection (1)(a) is a breach of statutory duty that, subject to the defences and other incidents applying to actions for breach of statutory duty, is actionable at the suit of a person who should have been given the disclosure and who has sustained loss or damage in consequence of that breach.

New Clause 37A**Minister for Mines and Petroleum:** To move –**1/NC37A** Page 22, after line 17 — To insert —**37A. Review of Act**

- (1) The Minister must carry out a review of the operation and effectiveness of this Act as soon as is practicable after the end of the period of 10 years beginning on the day on which this Act receives the Royal Assent.
- (2) The Minister must prepare a report based on the review and must cause the report to be laid before each House of Parliament as soon as is practicable after it is prepared and, in any event, not later than 18 months after the end of the period referred to in subsection (1).

