

Western Australia

Mining Amendment Bill 2023

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Western Australia

LEGISLATIVE COUNCIL

Mining Amendment Bill 2023

A Bill for

An Act to amend the *Mining Act 1978*.

The Parliament of Western Australia enacts as follows:

s. 1

1 **1. Short title**

2 This is the *Mining Amendment Act 2023*.

3 **2. Commencement**

4 This Act comes into operation as follows —

5 (a) sections 1 and 2 — on the day on which this Act
6 receives the Royal Assent;

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

8 **3. Act amended**

9 This Act amends the *Mining Act 1978*.

10 **4. Section 8 amended**

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

12

13 *offsets project* means —

14 (a) an eligible offsets project as defined in the
15 *Carbon Credits (Carbon Farming Initiative)*
16 *Act 2011* (Commonwealth) section 5; or

17 (b) an offsets project, as defined in the *Carbon*
18 *Credits (Carbon Farming Initiative) Act 2011*
19 (Commonwealth) section 5, if —

20 (i) the offsets project is the subject of an
21 application under section 22 of that Act;
22 and

23 (ii) a decision on the application has not
24 been made;

25

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

2

3 the Minister’s

4

5 **5. Section 42 amended**

6 After section 42(1A) insert:

7

8 (1B) A person is not entitled to lodge a notice of objection if
9 the basis for the objection is that the prospecting
10 licence, or activities authorised by it, would affect an
11 offsets project.

12 (1C) Subsection (1B) does not apply in respect of an offsets
13 project, or any part of an offsets project, situated on
14 land held in freehold.

15

16 **6. Section 59 amended**

17 After section 59(1A) insert:

18

19 (1B) A person is not entitled to lodge a notice of objection if
20 the basis for the objection is that the exploration
21 licence, or activities authorised by it, would affect an
22 offsets project.

23 (1C) Subsection (1B) does not apply in respect of an offsets
24 project, or any part of an offsets project, situated on
25 land held in freehold.

26

s. 7

1 **7. Section 70D amended**

2 After section 70D(1A) insert:

3

4 (1B) A person is not entitled to lodge a notice of objection if
5 the basis for the objection is that the retention licence,
6 or activities authorised by it, would affect an offsets
7 project.

8 (1C) Subsection (1B) does not apply in respect of an offsets
9 project, or any part of an offsets project, situated on
10 land held in freehold.

11

12 **8. Section 75 amended**

13 Delete section 75(1a) and insert:

14

15 (1A) A person is not entitled to lodge a notice of objection if
16 the basis for the objection is that —

17 (a) there is no significant mineralisation in, on or
18 under the land to which the application relates;
19 or

20 (b) the mining lease, or activities authorised by it,
21 would affect an offsets project.

22 (1B) Subsection (1A)(b) does not apply in respect of an
23 offsets project, or any part of an offsets project,
24 situated on land held in freehold.

25

26 **9. Section 97A amended**

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

28

29 the person

30

- 1 (2) In section 97A(5) delete “him.” and insert:
2
3 the warden.
4
- 5 (3) After section 97A(6A) insert:
6
- 7 (6B) A person is not entitled to lodge a notice of objection if
8 the basis for the objection is that the mining tenement,
9 or activities authorised by it, would affect an offsets
10 project.
- 11 (6C) Subsection (6B) does not apply in respect of an offsets
12 project, or any part of an offsets project, situated on
13 land held in freehold.
14
- 15 (4) In section 97A(7):
16 (a) in paragraph (a) delete “he” and insert:
17
18 the warden
19
- 20 (b) in paragraph (b) delete “his” (1st occurrence) and insert:
21
22 the Minister’s
23
- 24 (c) in paragraph (b) delete “his” (2nd occurrence) and insert:
25
26 the warden’s
27
- 28 (d) in paragraph (b) delete “together with his” and insert:
29
30 and setting out the
31

s. 9

- 1 (5) In section 97A(8):
2 (a) delete “him” and insert:
3
4 the Minister
5
6 (b) delete “he” and insert:
7
8 the Minister
9

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