

Mining Amendment Regulations 2011

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Mining Amendment Regulations 2011*.

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. Schedule 4 amended

- (1) In Schedule 4 clause 2 delete the Table and insert:

Table — Hourly and daily rates

Fee earner			Maximum allowable hourly rates
Senior Lawyer		hourly rate	\$330
Junior Lawyer		hourly rate	\$231
Clerk/Paralegal		hourly rate	\$110
Counsel fees charged as a disbursement to lawyers or charged by in-house Counsel:			
Counsel	(C)	hourly rate	\$253
		daily rate	\$2 530
Senior Counsel	(SC)	hourly rate	\$429
		daily rate	\$4 290

- (2) In Schedule 4 clause 3 in the Table:

- (a) delete items 1 to 14 and insert:

1.	Commencing proceedings —			
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	(a) Application or objection, including instructions For each additional respondent			330 44
	(b) Particulars (including preparation and lodgment)	8 hour	SL	2 640
2.	Response —			
	(a) Lodging a response			165
	(b) Particulars (including preparation and lodgment)	8 hours	SL	2 640
3.	Disclosure —			
	Giving additional disclosure where ordered by the warden	3 hours	JL	693
4.	Inspection —			
	Inspection and giving inspection	per hour	JL	231
5.	Interlocutory applications —			
	Proceedings and/or responses to applications (including all documentation and preparation for hearing)	1 day preparation ½ day hearing	C	3 795
	<i>Note: In relation to the above, if the proceedings do not commence and settle or adjourn on the day of the hearing then the Assessing Officer shall allow such amount as is reasonable in the circumstances.</i>			
6.	Applications and attendances before the warden	1 hour	SL	330
7.	Offers of settlement, notices, practice directions, applications, declarations, memoranda, affidavits —			
	(a) Offers of settlement	2 hours	SL	660
	(b) Acceptance of offer of settlement	2 hours	SL	660
	(c) Other notices referred to or required by regulations or practice directions not otherwise specified in this scale			110
	(d) Preparation lodging and service of affidavits and statutory declarations not otherwise provided for	per hour	SL	330
	(e) Drawing and serving of interlocutory orders (where ordered or required)	2 hours	JL	462
8.	Getting up —			
	Preparation for hearing (includes work reasonably and necessarily undertaken prior to commencement of proceedings)	50 hours	SL	16 500
9.	Hearing —			
	(a) Fee on brief for Counsel i.e. first day of hearing and preparation	2 days preparation 1st day of trial	C	7 590
	(b) Fee on brief for Senior Counsel i.e. first day of hearing and preparation (where 2 or more Counsel are certified for)	2 days preparation 1st day of trial	SC	12 870
	(c) Counsel fee for the second and each successive day of hearing		C	2 530
	(d) Counsel fee for Senior Counsel			

	for second and each successive day of hearing (where 2 or more Counsel are certified for)		SC	4 290
	(e) Instructing lawyer attending hearing, where certified for			
	(f) Clerk attending hearing	per hour	JL	231
	<i>Note: In relation to paragraphs (a) — (f) if —</i>			
	(1) <i>The hearing lasts less than 2 hours; or</i>			
	(2) <i>The hearing does not commence and settles or adjourns on the day of the hearing,</i>			
	<i>then the Assessing Officer shall allow such amount as is reasonable in the circumstances.</i>			
	(g) Attending on reserved determination	per hour	SL	330
10.	Mention hearings	per hour	SL	330
11.	Determinations —			
	(a) Settling and extracting determination			
	(i) with appointment	1 hour	JL	231
	(ii) without appointment			165
	(b) Issue of certified copy of determination	0.5 hours	PL	110
12.	Enforcement — Lodgment of an application to enforce a determination pursuant to <i>Civil Judgments Enforcement Act 2004</i>			165
13.	Registration of determinations — Registration of determinations including those under <i>Service and Execution of Process Act 1992</i> (Commonwealth)			165
14.	Assessment of costs including drawing bill —			
	(a) Lodgment of bill of costs			44
	(b) Drawing bill of costs, copies and service)		SL	Such amounts as are reasonable in the circumstances
	(c) Making an objection to a bill)			
	(d) Assessment of costs (including the time spent in preparing for the assessment))			

(b) delete item 18 and insert:

18.	<p>Other work —</p> <p>(a) Time reasonably spent by a lawyer on work requiring the skill of a lawyer (of the standing indicated) but not covered by any other item</p> <p>or</p> <p>(b) Time reasonably spent by a lawyer, or by a clerk or paralegal of a lawyer, on work not covered by any other item or by paragraph (a)</p>	per hour	SC SL C JL PL	429 330 253 231 110
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By Command of the Governor,

G. MOORE, Clerk of the Executive Council.
