

Mining Legislation Amendment Bill 2013

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Western Australia

LEGISLATIVE ASSEMBLY

Mining Legislation Amendment Bill 2013

A Bill for

An Act to amend the *Mining Act 1978* and the *Mining Rehabilitation Fund Act 2012*.

The Parliament of Western Australia enacts as follows:

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Part 1 — Preliminary

1. Short title

This is the *Mining Legislation Amendment Act 2013*.

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.

Part 2 — *Mining Act 1978* amended

3. Act amended

This Part amends the *Mining Act 1978*.

4. Section 58 amended

In section 58(1)(b)(ii) and (1aa)(c) delete “programme of”.

5. Section 70C amended

In section 70C(1)(e)(i) delete “programme of”.

6. Section 74 amended

Delete section 74(5) and (6).

7. Section 162 amended

(1) Delete section 162(2)(x) and insert:

- (x) authorise and regulate the copying, storage, making available for public inspection, release, publication and dissemination of information contained in a mining tenement document;

(2) Delete section 162(2a) and (3A) and insert:

(3A) Subsection (2)(x) applies to information irrespective of when the mining tenement document was made, lodged, given or provided (as the case may be).

(3B) In subsections (2) and (3A) —

mining tenement document means any of the following —

- (a) an application for a mining tenement;

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- 1 (b) a document that accompanies, or is furnished in
2 relation to, an application for a mining
3 tenement;
- 4 (c) an agreement, claim, report, notice of objection,
5 security, or any other document, in respect of a
6 mining tenement;
- 7 (d) a document containing any other information
8 supplied under this Act to the Minister, a
9 warden or any official of the Department.
10

11 **8. Various references to “a prescribed official” amended**

12 In the provisions listed in the Table delete “a prescribed
13 official” (each occurrence) and insert:

14
15 the Director General of Mines
16

17

Table

s. 46(aa)(ii)	s. 63(aa)(ii)
s. 70H(1)(aa)(ii)	s. 82(1)
s. 84AA	

**Part 3 — *Mining Rehabilitation Fund Act 2012*
amended**

9. Act amended

This Part amends the *Mining Rehabilitation Fund Act 2012*.

10. Section 7 amended

Before section 7(a) insert:

- (aa) any amount paid or recovered under section 9A; and

11. Section 9A inserted

At the end of Part 2 insert:

9A. Liability for rehabilitation costs

- (1) In this section —
declaration day, in relation to land declared to be an abandoned mine site, means the day on which the notice under section 9(1) for that land came into operation.
- (2) Subsection (3) applies if money is applied under section 8(1)(a) or (2)(a) to fund the rehabilitation of land that is an abandoned mine site affected by mining operations.
- (3) Each person who, on declaration day for the land, was liable to comply with an obligation —
 - (a) under or in relation to the mining authorisation under which the mining operations were carried out; and

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1 (b) requiring the rehabilitation of the land,
2 is jointly and severally liable to pay to the Fund the
3 amount applied.

4 (4) An amount payable under subsection (3) may be
5 recovered by the CEO in a court of competent
6 jurisdiction as a debt due to the State.
7

8 **12. Section 13 amended**

9 (1) In section 13 delete “The amount” and insert:
10

11 (1) The amount
12

13 (2) At the end of section 13 insert:
14

15 (2) The CEO may make available to the public, in the form
16 and in the manner that the CEO considers appropriate,
17 details of how a particular levy amount is worked out.
18

19 **13. Section 15 amended**

20 After section 15(2) insert:
21

22 (3) The CEO may make available to the public, in the form
23 and in the manner that the CEO considers appropriate,
24 any assessment information given under subsection (2).
25

1 **14. Section 37A inserted**

2 After section 36 insert:

3

4 **37A. Giving notice to 2 or more holders of mining**
5 **authorisation**

6 (1) In this section —

7 *notice* means a notice that is required or permitted to
8 be given under this Act.

9 (2) If there are 2 or more holders of a mining authorisation,
10 they may, when giving assessment information in
11 relation to the mining authorisation under
12 section 15(2), nominate the address of one of them, or
13 the address of their agent, as their address for the
14 giving of a notice under this Act.

15 (3) If there are 2 or more holders of a mining
16 authorisation —

17 (a) if they have nominated an address under
18 subsection (2), a notice may be given to them
19 by sending it to that address; and

20 (b) if no nomination is made under subsection (2),
21 a notice may be given to them by giving it to
22 one of the holders; and

23 (c) when a notice is given in accordance with
24 paragraph (a) or (b), it is to be taken to have
25 been given to each of them, as the case
26 requires.

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