

Western Australia

# Mining Act 1978

Incorporating the amendments proposed by  
the Mining Legislation Amendment Bill 2015

Pt. 2 (Bill No. 128-1)

The following 53 pages represent a “marked-up” version of the proposed amendments to the Act and does not include sections of the Act that have not been amended.

The mark-up out version presented here is in three columns. The first column is the Mining Act 1978 as amended, the second column the deletions (red) and additions (blue) to the existing act, and the third column provides some DMP comment explaining the changes.

This document was prepared by the DMP and sent out at the request of prospectors so that they could more closely follow the proposed changes to the Act.

Bill provision	Outcome	Comment
<b>PART 2 - MINING ACT 1978 AMENDED</b>		
<p>4</p> <p><b>Section 6 amended</b></p> <p>In section 6(1d):</p> <p>(a) in paragraph (a) delete “section 82(1)(ca); or” and insert:</p> <p style="padding-left: 40px;">section 103AF(2) or (3), or a notice under section 103AR(2); or</p> <p>(b) in paragraph (b) delete “section 82A.” and insert:</p> <p>(c) section 103AH(2) or (3), or a notice under section 103AR(4).</p>	<p>6.</p> <p><b>Operation of this Act (extract only)</b></p> <p>1(d) If a mining lease is granted on an application referred to in subsection (1a), nothing in that subsection affects the application of section 38 of the <i>Environmental Protection Act 1986 (EP Act)</i> to —</p> <p>(a) a programme of work lodged by the holder of the mining lease in compliance with the condition referred to in <a href="#">section 103AF(2) or (3)</a>, <a href="#">or a notice under section 103AR(2)</a>; <del>or section 82(1)(ca); or</del></p> <p>(b) a mining proposal lodged by the holder of the mining lease in compliance with the condition referred to in <a href="#">section 103AH(2) or (3)</a>, <a href="#">or a notice under section 103AR(4)</a>.<del>section 82A.</del></p>	<p>The amendments in this clause update references to provisions of the <i>Mining Act 1978 (the Act)</i> that are being repealed and re-enacted in new Part IVAA. The effect of the changes is that section 38 of the <i>EP Act</i> (which deals with the referral of certain proposals to the Environmental Protection Authority) will continue to apply to programmes of work and mining proposals, whether they are submitted because of a tenement condition or as the result of a requirement of the Director General of Mines.</p>
<p>5</p> <p><b>Section 8 amended</b></p> <p>In section 8(1)</p> <p>- Delete the definition of <i>ground disturbing equipment</i>.</p>	<p>8.</p> <p><b>Terms used (extract only)</b></p> <p><del><b>ground disturbing equipment</b> means—</del></p> <p><del>(a) mechanical drilling equipment; or</del></p> <p><del>(b) a backhoe, bulldozer, grader or scraper; or</del></p> <p><del>(c) any other machinery of a kind prescribed for the purposes of this definition;</del></p>	<p>The definition of “<i>ground disturbing equipment</i>” is being repealed as a consequence of the introduction of new Part IVAA, where a new definition applies.</p>
<p>6</p> <p><b>Section 12 replaced</b></p> <p>Delete section 12 and insert:</p> <p>12. Delegation</p> <p>(1) The Minister may delegate to an officer of the Department any power or duty of the Minister except this power of delegation.</p> <p>(2) A delegation under subsection (1) must be in writing signed by the Minister.</p> <p>(3) The Director General of Mines may delegate to an officer of the Department any power or duty of the Director General of Mines except this power of delegation.</p> <p>(4) A delegation under subsection (3) must be in writing signed by the Director General of Mines.</p> <p>(5) A person exercising or performing a power or duty that has been delegated to the person under this section is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown.</p> <p>(6) Nothing in this section limits the ability of the Minister or</p>	<p>12.</p> <p><b>Delegation</b></p> <p><a href="#">12. Delegation</a></p> <p>(1) <a href="#">The Minister may delegate to an officer of the Department any power or duty of the Minister except this power of delegation.</a></p> <p>(2) <a href="#">A delegation under subsection (1) must be in writing signed by the Minister.</a></p> <p>(3) <a href="#">The Director General of Mines may delegate to an officer of the Department any power or duty of the Director General of Mines except this power of delegation.</a></p> <p>(4) <a href="#">A delegation under subsection (3) must be in writing signed by the Director General of Mines.</a></p> <p>(5) <a href="#">A person exercising or performing a power or duty that has been delegated to the person under this section, is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown.</a></p> <p>(6) <a href="#">Nothing in this section limits the ability of the Minister or the Director General of Mines to perform a function through an officer or agent.</a></p>	<p>Existing section 12 provides for the Minister to delegate any power or duty to an officer or person occupying a position within the Department. The proposed new section updates the drafting of the provision and extends the capacity to delegate statutory functions to the Director General of Mines. The new provision does not continue in force the existing section 12(2), which currently has the effect that Ministerial delegations cease to have effect when the Minister is replaced by another Minister.</p>

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the Director General of Mines to perform a function through an officer or agent.	<p><u><a href="#">[Section 12 inserted by the Mining Legislation Amendment Bill 2015 cl. 6.]</a></u></p> <p><del>1) — The Minister may —</del></p> <p style="padding-left: 40px;"><del>(a) — by instrument in writing delegate any of his powers and functions (except this power of delegation) to —</del></p> <p style="padding-left: 80px;"><del>(i) — any officer of the Department; or</del></p> <p style="padding-left: 80px;"><del>(ii) — the person for the time being occupying a position in the department, being an officer named or a position specified in the instrument of delegation; and</del></p> <p style="padding-left: 40px;"><del>(b) — vary or revoke a delegation given by him.</del></p> <p><del>(2) — Any delegation of a power or function under this section by the Minister ceases to have effect upon the appointment (other than in the capacity of an acting Minister) of another person to be the Minister for the purpose of this Act.</del></p> <p><del>(3) — A power or function delegated by the Minister under this section —</del></p> <p style="padding-left: 40px;"><del>(a) — shall, if exercised or performed, be exercised or performed in accordance with the instrument of delegation; and</del></p> <p style="padding-left: 40px;"><del>(b) — may, if the exercise of the powers or the performance of the functions is dependent upon the opinion, belief or state of mind of the Minister in relation to a matter — be exercised upon the opinion, belief or state of mind of the delegate in relation to that matter.</del></p>	
<p>7</p> <p><b>Section 20 amended</b></p> <p>Delete section 20(5a)(d)(i) and insert:</p> <p>(i) take all necessary steps to prevent damage or injury to property or livestock whether resulting from fire, the presence of dogs, the discharge of firearms, the use of vehicles or any other cause; and</p>	<p>20. <b>Protection of certain Crown land (extract only)</b></p> <p>(d) when so passing or re-passing —</p> <p style="padding-left: 40px;"><u><a href="#">(i) take all necessary steps to prevent damage or injury to property or livestock whether resulting from fire, the presence of dogs, the discharge of firearms, the use of vehicles or any other cause; and</a></u></p> <p style="padding-left: 40px;"><del>(i) — take all necessary steps to prevent fire, damage to trees or other property and to prevent damage to any property or damage to livestock by the presence of dogs, the discharge of firearms, the use of vehicles or otherwise; and</del></p>	<p>This clause amends subsection (5a) by replacing paragraph (d)(i) with a better representation of the need for the holder of a Miner's Right to prevent damage or injury to property or livestock when passing or re-passing over occupied Crown land.</p>
8	<b>Section 23A inserted</b>	

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<b>PART 2 - MINING ACT 1978 AMENDED</b>		
<p>After section insert:</p> <p>A. Forfeiture of mining tenements</p> <p>(1) If a mining tenement is liable to forfeiture under section (3), the Minister may cause the mining tenement to be forfeited by declaring by notice published in the Gazette that the mining tenement is forfeited.</p> <p>(2) The Minister may, for any cause that he or she deems sufficient and subject to subsection (3), by notice published in the Gazette —</p> <p>(a) cancel a declaration made under subsection (1); and</p> <p>(b) Restore the mining tenement to which the declaration referred to in paragraph (a) relates to the holder.</p> <p>(3) The Minister may, in effecting the cancellation and restoration referred to in subsection (2), impose on the mining tenement restored under that subsection such conditions as the Minister thinks fit.</p> <p>(4) The production of a copy of the Gazette containing a notice published under subsection (1) or (2) is evidence that the mining tenement concerned has been forfeited or restored, as the case requires.</p> <p>(5) The Minister, as he or she thinks fit in the circumstances of the case, as an alternative to causing the mining tenement to be forfeited, may —</p> <p>(a) Impose on the holder of the mining tenement a penalty not exceeding \$75 000 if the holder is an individual or \$150 000 if the holder is a body corporate; or</p> <p>(b) Impose no penalty on the holder.</p> <p>(6) If a penalty is imposed as an alternative to forfeiture under subsection (5), the mining tenement is forfeited if the penalty is not paid —</p> <p>(a) within the time specified by the Minister; or</p> <p>(b) if no other time is specified by the Minister, within 30 days of written notice of the penalty being given by the Minister to the holder of the mining tenement.</p>	<p><b>23A. Forfeiture of mining tenements</b></p> <p>(1) If a mining tenement is liable to forfeiture under section 23(3), the Minister may cause the mining tenement to be forfeited by declaring by notice published in the Gazette that the mining tenement is forfeited.</p> <p>(2) The Minister may, for any cause that he or she deems sufficient and subject to subsection (3), by notice published in the Gazette —</p> <p>(a) cancel a declaration made under subsection (1); and</p> <p>(b) restore the mining tenement to which the declaration referred to in paragraph (a) relates to the holder.</p> <p>(3) The Minister may, in effecting the cancellation and restoration referred to in subsection (2), impose on the mining tenement restored under that subsection such conditions as the Minister thinks fit.</p> <p>(4) The production of a copy of the Gazette containing a notice published under subsection (1) or (2) is evidence that the mining tenement concerned has been forfeited or restored, as the case requires.</p> <p>(5) The Minister, as he or she thinks fit in the circumstances of the case, as an alternative to causing the mining tenement to be forfeited, may —</p> <p>(a) impose on the holder of the mining tenement a penalty not exceeding \$75 000 if the holder is an individual or \$150 000 if the holder is a body corporate; or</p> <p>(b) impose no penalty on the holder.</p> <p>(6) If a penalty is imposed as an alternative to forfeiture under subsection (5), the mining tenement is forfeited if the penalty is not paid —</p> <p>(a) within the time specified by the Minister; or</p> <p>(b) if no other time is specified by the Minister, within 30 days of written notice of the penalty being given by the Minister to the holder of the mining tenement.</p> <p><i>[Section 23A inserted by the Mining Legislation Amendment Bill 2015 cl. 8.]</i></p>	<p>This clause inserts a new section A, which clarifies the procedure applicable when a mining tenement is forfeited under section (3), and allows the Minister to impose penalties in lieu of forfeiture. The ability to impose penalties in lieu of forfeiture for breaches of conditions on consent on mining tenements on reserve land had not previously existed. This ability already existed for breaches of conditions on other mining tenements.</p>
<p>9</p> <p><b>Section 40D amended</b></p> <p>In section 40D(2):</p>	<p><b>40D. Authorisation under miner's right (extract only)</b></p> <p>(c) must cause to be filled in or otherwise made safe —</p>	<p>Subclause (1) amends section 40D(2) by replacing the words “which</p>

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<p>(a) in paragraph (c)(i) delete “which are likely to” and insert:</p> <p>may</p> <p>(b) delete paragraph (d) and insert:</p> <p>(d) must take all necessary steps to prevent damage or injury to property or livestock whether resulting from fire, the presence of dogs, the discharge of firearms, the use of vehicles or any other cause.</p>	<p>(i) all holes, pits, trenches and other disturbances on the surface of the land which were made by the person while acting in the exercise or purported exercise of the authorisation and <u>may</u> <del>which are likely to</del> endanger the safety of any person or animal; and</p> <p>(ii) such other holes, pits, trenches and other disturbances made, wholly or in part, by the person as the Minister may from time to time direct; and</p> <p>(d) <u>must take all necessary steps to prevent damage or injury to property or livestock whether resulting from fire, the presence of dogs, the discharge of firearms, the use of vehicles or any other cause.</u></p> <p><del>(d) — must take all necessary steps to prevent the following —</del></p> <p><del>(i) — fire damage to trees or other property;</del></p> <p><del>(ii) damage to property or to livestock by the presence of dogs, the discharge of firearms, the use of vehicles or otherwise.</del></p>	<p><i>are likely to</i>” endanger the safety of any person or animal in paragraph (c)(i) with “<i>may</i>”, which is considered a less subjective term.</p> <p>Subclause (2) replaces paragraph 40D(2)(d) so that it is consistent with the change being made to section 20.</p>
<p>10 <b>Section 46 amended</b></p> <p>In section 46:</p> <p>(a) delete paragraph (aa);</p> <p>(b) delete paragraph (b) and insert:</p> <p>(b) that all holes, pits, trenches and other disturbances to the surface of the land the subject of the prospecting licence that —</p> <p>(i) are made while prospecting; and</p> <p>(ii) may endanger the safety of any person or animal, will be filled in or otherwise made safe;</p>	<p><b>46. Conditions attached to every prospecting licence (extract only)</b></p> <p><del>[(aa) deleted]</del></p> <p><del>(aa) — that no ground disturbing equipment will be used by the holder when prospecting on the land the subject of the prospecting licence unless —</del></p> <p><del>i. — the holder has lodged in the prescribed manner a programme of work in respect of that use; and</del></p> <p><del>ii(a) — the holder has paid the prescribed assessment fee in respect of the programme of work; and</del></p> <p><del>ii. — the programme of work has been approved in writing by the Minister or a prescribed official;</del></p> <p>(b) <u>that all holes, pits, trenches and other disturbances to the surface of the land the subject of the prospecting licence that —</u></p> <p>(i) <u>are made while prospecting; and</u></p> <p>(ii) <u>may endanger the safety of any person or animal, will be filled in or otherwise made safe;</u></p> <p><del>(b) — that all holes, pits, trenches and other disturbances to the surface of the land the subject of the prospecting licence which are —</del></p> <p><del>(i) — made while prospecting; and</del></p>	<p>Subclause (1) removes paragraph (aa) as the requirement to lodge a programme of works is included in new Part IVAA.</p> <p>Subclause (2) is similar to the amendment to section 40D and assessment of potential danger to any person or animal when refilling holes, etc. made while prospecting.</p>

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<p><b>PART 2 - MINING ACT 1978 AMENDED</b></p> <p>(c) delete paragraph (c) and insert:</p> <p>(c) that all necessary steps are taken by the holder to prevent damage or injury to property or livestock whether resulting from fire, the presence of dogs, the discharge of firearms, the use of vehicles or any other cause.</p>	<p><del>(ii) in the opinion of a prescribed official, likely to endanger the safety of any person or animal, will be filled in or otherwise made safe to the satisfaction of the prescribed official;</del></p> <p><u>(c) that all necessary steps are taken by the holder to prevent damage or injury to property or livestock whether resulting from fire, the presence of dogs, the discharge of firearms, the use of vehicles or any other cause.</u></p> <p><del>(c) that all necessary steps are taken by the holder to prevent fire, damage to trees or other property and to prevent damage to any property or damage to livestock by the presence of dogs, the discharge of firearms, the use of vehicles or otherwise.</del></p>	<p>Subclause (3) better qualifies the need to prevent damage or injury to property or livestock.</p>
<p>11</p> <p><b>Section 46A deleted</b></p> <p>- Delete section 46A.</p>	<p><b>46A. Deleted by the Mining Legislation Amendment Bill 2015 cl. 11]</b></p> <p><del><b>46A. Conditions for prevention or reduction of injury to land</b></del></p> <p><del>(1) Reasonable conditions may be imposed on the holder of a prospecting licence for the purpose of preventing or reducing, or making good, injury to the land in respect of which the licence is sought or was granted, or injury to anything on or below the natural surface of that land or consequential damage to any other land.</del></p> <p><del>(2) A condition may be imposed under this section—</del></p> <p><del>by the mining registrar, the warden or the Minister on the granting of the licence; or</del></p> <p><del>by the Minister at any subsequent time.</del></p> <p><del>(3) A condition imposed under this section may be cancelled or varied by the Minister at any time.</del></p> <p><del>(4) A condition imposed in relation to a licence under this section—</del></p> <p><del>(a) may, either in full or with sufficient particularity as to identify the recommendation or other source from which it derives, be endorsed on the licence, for which purpose the holder of the licence shall produce the licence on demand; and</del></p> <p><del>(b) whether or not so endorsed, on notice of the imposition of the condition being given in writing to the holder of the licence shall for all purposes have effect as a condition to which the licence is subject.</del></p>	<p>The intent of this section is included in new Section 103AW.</p>

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<p>12 <b>Section 48 amended</b></p> <p>In section 48(b) and (c) after “25,” insert:</p> <p style="padding-left: 40px;">and the conditions referred to in section 103AE,</p>	<p><b>48. Rights conferred by prospecting licence (extract only)</b></p> <p>(b) to prospect, subject to any conditions imposed under section 24, 24A or 25, <a href="#">and the conditions referred to in section 103AE</a>, for minerals, and to carry on such operations and carry out such works as are necessary for that purpose on such land including digging pits, trenches and holes, and sinking bores and tunnels to the 30 extent necessary for the purpose in, on or under the land;</p> <p>(c) to excavate, extract or remove, subject to any conditions imposed under section 24, 24A or 25, <a href="#">and the conditions referred to in section 103AE</a>, from such land, earth, soil, rock, stone, fluid or mineral bearing substances in such amount, in total during the period for which the licence remains in force, as does not exceed the prescribed limit, or in such greater amount as the Minister may, in any case, approve in writing;</p>	<p>Subsection 48(b) and (c) are being amended to reflect that the exercise of any rights under a prospecting licence is subject to compliance with the approval and notice conditions outlined in new section 103AE.</p>
<p>13 <b>Section 52 amended</b></p> <p>(1) Delete section 52(1a).</p> <p>(2) In section 52(2) delete “or (1a)”.</p>	<p><b>52. Security relating to prospecting licence (extract only)</b></p> <p><del><a href="#">[(1a) deleted]</a></del></p> <p><del>(1a) —The Minister may require the holder of a prospecting licence to lodge, in the prescribed manner and within such period as the Minister specifies in writing, an additional security for compliance with conditions imposed in relation to the licence under section 46A.</del></p> <p>(2) A security referred to in subsection (1) <del>or (1a)</del> shall be in accordance with and subject to the provisions of section 126.</p>	<p>The capacity to require the holder of a prospecting licence to lodge security for compliance with environmental conditions is being removed from this section and re-enacted in section 103AZB.</p>
<p>14 <b>Section 55 amended</b></p> <p>After section 55(4) insert:</p> <p>(5) Subsection (1), (2), (3) or (4) does not apply to the approval of retention status under section 54 for land unless consent to the carrying out of mining on the land has previously been given by the Minister under section 24, 24A or 25, as the case may be.</p>	<p><b>55. Consultation with other Ministers (extract only)</b></p> <p><a href="#">(5) Subsection (1), (2), (3) or (4) does not apply to the approval of retention status under section 54 for land unless consent to the carrying out of mining on the land has previously been given by the Minister under section 24, 24A or 25, as the case may be.</a></p>	<p>New subsection (5) is being inserted to provide that referral of a retention status application to the Minister responsible for reserved land that is affected by an existing prospecting licence is not required unless the tenement holder has consent to explore within that part of the licence. In some instances a prospecting licence holder does not seek consent to access an affected reserve and, therefore, the subsequent retention status application also will not impact the reserve.</p>
<p>15 <b>Section 55A amended</b></p> <p>In section 55A(1) and (2) delete “programme of work” and insert:</p> <p style="padding-left: 40px;">works schedule</p> <p>Note: The heading to amended section 55A is to read: Works schedule</p>	<p><b>55A. <del>Programme of work</del> <a href="#">Works schedule</a> (extract only)</b></p> <p>(1) On the approval of retention status under section 54, or at any subsequent time, the Minister may impose on the holder of the prospecting licence a condition requiring the holder to comply with a specified <a href="#">works schedule</a> <del>programme of work</del> in respect of the land the subject of the licence within a specified period.</p> <p>(2) Before imposing a condition under subsection (1), the Minister may require the holder of the licence to submit to the Minister a draft <a href="#">works schedule</a></p>	<p>“Programme of work” in this section is being replaced with the more accurate term “works schedule”, so that there is no further confusion between a programme of work application under section 103AD and a works schedule imposed by the Minister</p>

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	<p><del>programme of work</del> in a form approved by the Minister and the holder shall comply with that requirement.</p>	
<p>16 <b>Section 56A amended</b></p> <p>In section 56A(6)(b) delete “shall” and insert:</p> <p style="padding-left: 40px;">subject to the conditions referred to in section 103AE, shall</p>	<p><b>56A. Special prospecting licences (extract only)</b></p> <p>(6)(b) <u>subject to the conditions referred to in section 103AE, shall</u> <del>shall</del> authorise the holder thereof to prospect only for gold; and</p>	<p>Subsection 56A(6)(b) is being amended to reflect that the exercise of any rights under a special prospecting licence is subject to compliance with the approval and notice conditions outlined in new section 103AE.</p>
<p>17 <b>Section 58 amended</b></p> <p>Before section 58(2) insert:</p> <p>(1A) Subsection (1B) applies if —</p> <p style="padding-left: 40px;">(a) a person (the original applicant) has lodged an application referred to in subsection (1) for an exploration licence in respect of an area (the exploration area); and</p> <p style="padding-left: 40px;">(b) the Minister has not determined the application by granting or refusing the exploration licence under section 59(6), and applies even if the application has been withdrawn.</p> <p>(1B) If this subsection applies, an application referred to in subsection (1) lodged by the original applicant, or by a person related to the original applicant, in respect of —</p> <p style="padding-left: 40px;">(a) the exploration area; or</p> <p style="padding-left: 40px;">(b) an area included in the exploration area; or</p> <p style="padding-left: 40px;">(c) an area that includes the exploration area, cannot be dealt with under section 59 unless the Minister advises the mining registrar and the warden in writing that the Minister considers that there are special circumstances justifying it being so dealt with.</p> <p>(1C) Subsection (1B) has effect despite any other provision of this Division.</p>	<p><b>58. Application for exploration licence (extract only)</b></p> <p><u>(1A) Subsection (1B) applies if —</u></p> <p style="padding-left: 40px;"><u>(a) a person (the original applicant) has lodged an application referred to in subsection (1) for an exploration licence in respect of an area (the exploration area); and</u></p> <p style="padding-left: 40px;"><u>(b) the Minister has not determined the application by granting or refusing the exploration licence under section 59(6), and applies even if the application has been withdrawn.</u></p> <p><u>(1B) If this subsection applies, an application referred to in subsection (1) lodged by the original applicant, or by a person related to the original applicant, in respect of —</u></p> <p style="padding-left: 40px;"><u>(a) the exploration area ; or</u></p> <p style="padding-left: 40px;"><u>(b) an area included in the exploration area; or</u></p> <p style="padding-left: 40px;"><u>(c) an area that includes the exploration area, cannot be dealt with under section 59 unless the Minister advises the mining registrar in writing that the Minister considers that there are special circumstances justifying it being so dealt with.</u></p> <p><u>(1C) Subsection (1B) has effect despite any other provision of this Division.</u></p>	<p>New subsections are being added to address an anomaly that has arisen with processing exploration licence applications. Some applicants have been applying for more than one application over the same or substantially the same ground, then withdrawing the initial application. This has the effect of tying up the ground to the detriment of other applicants.</p> <p>The new subsections clarify that this cannot occur unless the Minister agrees there are special circumstances for doing so.</p>
<p>18 <b>Section 60 amended</b></p> <p>(1) Delete section 60(1a).</p>	<p><b>60. Security relating to exploration licence (extract only)</b></p> <p><u>[(1a) deleted]</u></p> <p><del>(1a) The Minister may require the holder of an exploration licence to lodge, in the prescribed manner and within such period as the Minister specifies in writing, an additional security for compliance with conditions imposed in relation to the licence under section 63AA.</del></p>	<p>The capacity to require the holder of an exploration licence to lodge security for compliance with environmental conditions is being removed from this section and re-enacted in section 103AZB.</p>

Bill provision	Outcome	Comment
<p><b>PART 2 - MINING ACT 1978 AMENDED</b></p> <p>(2) In section 60(2) delete “or (1a)”.</p>	<p>(2) A security referred to in subsection (1) <del>or (1a)</del> shall be in accordance with and subject to the provisions of section 126.</p>	
<p>19 <b>Section 63 amended</b></p> <p>In section 63:</p> <p>1(a) delete paragraph (aa);</p> <p>(b) delete paragraph (b) and insert:</p> <p style="padding-left: 20px;">(b) will fill in or otherwise make safe all holes, pits, trenches and other disturbances to the surface of the land the subject of the exploration licence that —</p> <p style="padding-left: 40px;">(i) are made while exploring for minerals; And</p> <p style="padding-left: 40px;">(ii) may endanger the safety of any person or animal; and</p> <p>(c) delete paragraph (c) and insert:</p> <p style="padding-left: 20px;">(c) will take all necessary steps to prevent damage or injury to property or livestock whether resulting from fire, the presence of dogs, the discharge of firearms, the use of vehicles or any other cause.</p>	<p><b>63. Condition attached to exploration licence (extract only)</b></p> <p><u><del>[(aa) deleted]</del></u></p> <p><del>(aa) will not use ground disturbing equipment when exploring for minerals on the land the subject of the exploration licence unless —</del></p> <p style="padding-left: 20px;"><del>(i) the holder has lodged in the prescribed manner a programme of work in respect of that use; and</del></p> <p style="padding-left: 20px;"><del>(iia) the holder has paid the prescribed assessment fee in respect of the programme of work; and (ii) the programme of work has been approved in writing by the Minister or a prescribed official; and</del></p> <p><u>(b) will fill in or otherwise make safe all holes, pits, trenches and other disturbances to the surface of the land the subject of the exploration licence that —</u></p> <p style="padding-left: 20px;"><u>(i) are made while exploring for minerals; and</u></p> <p style="padding-left: 20px;"><u>(ii) may endanger the safety of any person or animal; and</u></p> <p><u>(c) will take all necessary steps to prevent damage or injury to property or livestock whether resulting from fire, the presence of dogs, the discharge of firearms, the use of vehicles or any other cause.</u></p> <p><del>(b) will fill in or otherwise make safe to the satisfaction of a prescribed official all holes, pits, trenches and other disturbances to the surface of the land the subject of the exploration licence which are —</del></p> <p style="padding-left: 20px;"><del>(i) made while exploring for minerals; and</del></p> <p style="padding-left: 20px;"><del>(ii) in the opinion of the prescribed official, likely to endanger the safety of any person or animal; and</del></p> <p><del>(c) will take all necessary steps to prevent fire, damage to trees or other property and to prevent damage to any property or damage to livestock by the presence of dogs, the discharge of firearms, the use of vehicles or otherwise.</del></p>	<p>Subclause (1) removes paragraph (aa) as the requirement to lodge a programme of works is included in new Section 103AE.</p> <p>Subclauses (2) and (3) are similar amendments to those in section 46 and clarify the reason for the requirement to fill holes, etc. and to prevent damage or injury to property or livestock as a result of exploration activities.</p>
<p>20 <b>Section 63AA deleted</b></p> <p>Delete section 63AA.</p>	<p><u>63AA</u> <u><del>[Deleted by the Mining Legislation Amendment Bill 2015 cl. 20.]</del></u></p> <p><del><b>63AA. Conditions for prevention or reduction of injury to</b></del></p>	<p>The intent of this section is included in new Section 103AW.</p>

Bill provision	Outcome	Comment
PART 2 - MINING ACT 1978 AMENDED		
	<p><b>land</b></p> <p><del>(1) — On the granting of an exploration licence, or at any subsequent time, the Minister may impose on the holder of the licence reasonable conditions for the purpose of preventing or reducing, or making good, injury to the land in respect of which the licence is sought or was granted, or injury to anything on or below the natural surface of that land or consequential damage to any other land.</del></p> <p><del>(2) — A condition imposed under this section may be cancelled or varied by the Minister at any time.</del></p> <p><del>(3) — A condition imposed in relation to a licence under this section —</del></p> <p><del>(a) — may, either in full or with sufficient particularity as to identify the recommendation or other source from which it derives, be endorsed on the licence, for which purpose the holder of the licence shall produce the licence on demand; and</del></p> <p><del>(b) — whether or not so endorsed, on notice of the imposition of the condition being given in writing to the holder of the licence shall for all purposes have effect as a condition to which the licence is subject.</del></p>	
<p>21 <b>Section 63A amended</b></p> <p>In section 63A:</p> <p>(a) in paragraph (aa) delete “section 60(1a), 65(4), 69E(2)” and insert:</p> <p style="padding-left: 40px;">section 65(4), 69E(2), 103AZB(1)</p> <p>(b) in paragraph (b) delete “section 63,” and insert:</p> <p style="padding-left: 40px;">section 63 or 103AE, or any conditions imposed under section 69D(1) or 103AW(1),</p>	<p><b>63A. When exploration licence liable to forfeiture (extract only)</b></p> <p>An exploration licence is liable to forfeiture if —</p> <p>(aa) any requirement under <a href="#">section 65(4), 69E(2), 103AZB(1)</a> <del>section 60(1a), 65(4), 69E(2)</del> or 115B(2) in relation to the exploration licence is not complied with; or</p> <p>(b) the terms and conditions, including the prescribed expenditure conditions referred to in section 62, and any conditions to which the licence is deemed to be subject pursuant to <a href="#">section 63 or 103AE, or any conditions imposed under section 69D(1) or 103AW(1)</a>, <del>section 63</del>, are not complied with; or</p>	<p>Reference to new provisions relating to compliance with conditions being moved to Part IVAA are being included in section 63A to ensure breach of them renders an exploration licence liable for forfeiture.</p>
<p>22 <b>Section 66 amended</b></p> <p>In section 66(b) and (c) after “25,” insert:</p> <p style="padding-left: 40px;">and the conditions referred to in section 103AE,</p>	<p><b>66. Rights conferred by exploration licence (extract only)</b></p> <p>(b) to explore, subject to any conditions imposed under section 24, 24A or 25, <a href="#">and the conditions referred to in section 103AE</a>, for minerals, and to carry on such operations and carry out such works as are necessary for that purpose on such land including digging pits, trenches and holes, and sinking bores and tunnels to the extent necessary for the purpose in, on or under the land;</p> <p>(c) to excavate, extract or remove, subject to any conditions imposed under section 24, 24A or 25, <a href="#">and</a></p>	<p>The capacity to require the holder of an exploration licence to lodge security for compliance with environmental conditions is being removed from this section and re-enacted in section 103AZB.</p> <p>Paragraphs (b) and (c) of section 66 are being amended to reflect that the exercise of any rights under an exploration licence is subject to compliance with the approval and notice conditions outlined in new section 103AE.</p>

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	<p><a href="#">the conditions referred to in section 103AE</a>, from such land, earth, soil, rock, stone, fluid or mineral bearing substances in such amount, in total during the period for which the licence remains in force, as does not exceed the prescribed limit, or in such greater amount as the Minister may, in any case, approve in writing;</p>	
<p>23 <b>Section 69C amended</b></p> <p>After section 69C(4) insert:</p> <p>(5) Subsection (1), (2), (3) or (4) does not apply to the approval of retention status under section 69B for land unless consent to the carrying out of mining on the land has previously been given by the Minister under section , A or 25, as the case may be.</p>	<p><b>69C. Consultation with other Ministers (extract only)</b></p> <p><a href="#">(5) Subsection (1), (2), (3) or (4) does not apply to the approval of retention status under section 69B for land unless consent to the carrying out of mining on the land has previously been given by the Minister under section 24, 24A or 25, as the case may be.</a></p>	<p>New subsection (5) is being added for the same reason as Clause 14 affecting prospecting licences. The provision is being amended to make it clear that a retention status application in respect of an exploration licence does not need to be referred to the Minister responsible for an affected reserve where the holder has not previously sought consent to access the reserve.</p>
<p>24 <b>Section 69D amended</b></p> <p>In section 69D(1) and (2) delete “programme of work” and insert:</p> <p>works schedule</p> <p>Note: The heading to amended section 69D is to read: Works schedule</p>	<p><b>69D. <del>Programme of work</del> Works schedule (extract only)</b></p> <p>(1) On the approval of retention status under section 69B, or at any subsequent time, the Minister may impose on the holder of the exploration licence a condition requiring the holder to comply with a specified <a href="#">works schedule</a> <del>programme of work</del> in respect of the land the subject of the licence within a specified period.</p> <p>(2) Before imposing a condition under subsection (1), the Minister may require the holder of the licence to submit to the Minister a draft <a href="#">works schedule</a> <del>programme of work</del> in a form approved by the Minister and the holder shall comply with that requirement.</p>	<p>“Programme of work” in this section is being replaced with the more accurate term “works schedule”, so that there is no further confusion between a Programme of work application under section 103AD and a works schedule imposed by the Minister</p>
<p>25 <b>Section 70F amended</b></p> <p>In section 70F:</p> <p>(a) Delete section 70F(2);</p> <p>(b) In section 70F(3) delete “or (2)”.</p>	<p><b>70F. Security relating to retention licence (extract only)</b></p> <p><a href="#">[(2) deleted]</a></p> <p><del>(2) The Minister may require the holder of a retention licence to lodge, in the prescribed manner and within such period as the Minister specifies in writing, an additional security for compliance with conditions imposed in relation to the licence under section 70I.</del></p> <p>(3) A security referred to in subsection (1) <del>or (2)</del> shall be in accordance with and subject to section 126.</p>	<p>The capacity to require the holder of a prospecting licence to lodge security for compliance with environmental conditions is being removed from this section and re-enacted in section 103AZB.</p>
<p>26 <b>Section 70H amended</b></p> <p>In section 70H(1):</p> <p>(a) delete paragraph (aa);</p>	<p><b>70H. Conditions attached to retention licence (extract only)</b></p> <p><a href="#">[(aa) deleted]</a></p> <p><del>(aa) — not use ground disturbing equipment when exploring for minerals on the land the subject of the licence unless —</del></p> <p><del>(i) — the holder has lodged in the prescribed manner a programme of work in respect of that use; and</del></p> <p><del>(iia) — the holder has paid the prescribed assessment fee in respect of the programme of work; and</del></p>	<p>Subclause (a) removes paragraph (aa) as the requirement to lodge a programme of works is included in new Part IVAA.</p>

Bill provision	Outcome	Comment
<p><b>PART 2 - MINING ACT 1978 AMENDED</b></p> <p>(b) delete paragraph (a) and insert:</p> <p>(a) fill in or otherwise make safe all holes, pits, trenches and other disturbances to the surface of the land the subject of the licence that —</p> <p>(i) are made while exploring for minerals; and</p> <p>(ii) may endanger the safety of any person or animal; and</p> <p>(c) delete paragraph (b) and insert:</p> <p>(b) take all necessary steps to prevent damage or injury to property or livestock whether resulting from fire, the presence of dogs, the discharge of firearms, the use of vehicles or any other cause; and</p>	<p><del>(ii) the programme of work has been approved in writing by the Minister or a prescribed official; and</del></p> <p>(a) fill in or otherwise make safe all holes, pits, trenches and other disturbances to the surface of the land the subject of the licence that —</p> <p>(i) are made while exploring for minerals; and</p> <p>(ii) may endanger the safety of any person or animal; and</p> <p><u>(b) take all necessary steps to prevent damage or injury to property or livestock whether resulting from fire, the presence of dogs, the discharge of firearms, the use of vehicles or any other cause; and</u></p> <p><del>(a) fill in or otherwise make safe to the satisfaction of a prescribed official all holes, pits, trenches and other disturbances to the surface of the land the subject of the licence which are —</del></p> <p><del>(i) made while exploring for minerals; and</del></p> <p><del>(ii) in the opinion of the prescribed official, likely to endanger the safety of any person or animal; and</del></p> <p><del>(b) take all necessary steps to prevent fire, damage to trees or other property and to prevent damage to any property or damage to livestock by the presence of dogs, the discharge of firearms, the use of vehicles or otherwise; and</del></p>	<p>Subclause (b) removes paragraph (a) and replaces it with requirements to rehabilitate or make safe any holes, etc. made while exploring for minerals.</p> <p>Subclause (c) removes paragraph (b) and replaces it with a requirement to prevent damage or injury to property or livestock.</p>
<p>27 <b>Section 70I deleted</b></p> <p>Delete section 70I.</p>	<p><u>70I.</u> Deleted by the Mining Legislation Amendment Bill 2015 cl. 27.]</p> <p><del><b>70I. Conditions for prevention or reduction of injury to land</b></del></p> <p><del>(1) On the granting of a retention licence, or at any subsequent time, the Minister may impose on the holder of the licence reasonable conditions for the purpose of preventing or reducing, or making good, injury to the land in respect of which the licence is sought or was granted, or injury to anything on or below the natural surface of that land or consequential damage to any other land.</del></p> <p><del>(2) A condition imposed under this section may be cancelled or varied by the Minister at any time.</del></p> <p><del>(3) A condition imposed under this section —</del></p> <p><del>(a) may, either in full or with sufficient particularity as</del></p>	<p>The intent of this section is included in new Section 103AW.</p>

Bill provision	Outcome	Comment
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	<p style="text-align: center;"><del>to identify the recommendation or other source from which it derives, be endorsed on the licence, for which purpose the holder of the licence shall produce the licence on demand; and</del></p> <p style="text-align: center;"><del>(b) — whether or not so endorsed, on notice of the imposition of the condition being given in writing to the holder of the licence shall for all purposes have effect as a condition to which the licence is subject.</del></p>	
<p>28 <b>Section 70IA amended</b></p> <p>In section 70IA:</p> <p>(a) in subsections (1) and (2) delete “programme of work” and insert:</p> <p style="padding-left: 40px;">works schedule</p> <p>(b) delete subsection (3) and insert:</p> <p style="padding-left: 40px;">(3) A condition imposed under subsection (1) may be cancelled or varied by the Minister at any time.</p> <p style="padding-left: 80px;">(4A) A condition imposed under subsection (1) may, either in full or with sufficient particularity as to identify the recommendation or other source from which it derives, be endorsed on the licence, for which purpose the holder of the licence shall produce the licence on demand.</p> <p style="padding-left: 80px;">(4B) Whether or not a condition imposed under subsection (1) is endorsed on the licence, on notice of the imposition of the condition being given in writing to the holder of the licence the condition has effect for all purposes as a condition to which the licence is subject.</p> <p>Note: The heading to amended section 70IA is to read: Works schedule</p>	<p>70IA. <u>Works schedule</u> <del>Programme of work</del> <b>(extract only)</b></p> <p>(1) On the granting of a retention licence, or at any subsequent time, the Minister may impose on the holder of the licence a condition requiring the holder to comply with a specified <u>works schedule</u> <del>programme of work</del> in respect of the land the subject of the licence within a specified period.</p> <p>(2) Before imposing a condition under subsection (1), the Minister may require the applicant for the licence or the holder of the licence, as the case requires, to submit to the Minister a draft <u>works schedule</u> <del>programme of work</del> in a form approved by the Minister and the applicant or the holder, as the case requires, shall comply with that requirement.</p> <p><u>(3) A condition imposed under subsection (1) may be cancelled or varied by the Minister at any time.</u></p> <p><u>(4A) A condition imposed under subsection (1) may, either in full or with sufficient particularity as to identify the recommendation or other source from which it derives, be endorsed on the licence, for which purpose the holder of the licence shall produce the licence on demand.</u></p> <p><u>(4B) Whether or not a condition imposed under subsection (1) is endorsed on the licence, on notice of the imposition of the condition being given in writing to the holder of the licence the condition has effect for all purposes as a condition to which the licence is subject.</u></p> <p><del>(3) — Subsections (2) and (3) of section 70I apply to a condition imposed under subsection (1) as if it were a condition imposed under that section.</del></p>	<p>Paragraph (a) replaces the term “programme of work” in this section with the more accurate term “works schedule” so that there is no further confusion between a programme of work application under section 103AD and a works schedule imposed by the Minister.</p> <p>Paragraph (b) revises subsection (2) and updates its drafting and adds new subsections (4A) and (4B) expressly dealing with the manner in which conditions are to be endorsed on tenements. New subsections (4A) and (4B) are required to continue in force the effect of existing section 70IA(3), which now operates by way of reference to section 70I, which is being repealed by clause 27.</p>
<p>29 <b>Section 70J amended</b></p> <p>In section 70J(b) and (c) after “25,” insert:</p> <p style="padding-left: 40px;">and the conditions referred to in section 103AE,</p>	<p>70J. <b>Rights conferred by retention licence (extract only)</b></p> <p>(b) to further explore, subject to any conditions imposed under section 24, 24A or 25, <u>and the conditions referred to in section 103AE</u>, for minerals, and to carry on such operations and carry out such works as are necessary for that purpose on such land including digging pits, trenches and holes, and sinking bores</p>	<p>Paragraphs (b) and (c) of section 70J are being amended to reflect that the exercise of any rights under a retention licence is subject to compliance with the approval and notice conditions outlined in new section 103AE.</p>

Bill provision	Outcome	Comment
<b>PART 2 - MINING ACT 1978 AMENDED</b>		
	<p>and tunnels to the extent necessary for the purpose in, on or under the land;</p> <p>(c) to excavate, extract or remove, subject to any conditions imposed under section 24, 24A or 25, <a href="#">and the conditions referred to in section 103AE</a>, from such land, earth, soil, rock, stone, fluid or mineral bearing substances in such amount, in total during the period for which the licence remains in force, as does not exceed the prescribed limit, or in such greater amount as the Minister may, in any case, approve in writing;</p>	
<p>30 <b>Section 70K amended</b></p> <p>In section 70K:</p> <p>(a) in paragraph (b)(i) delete “section 70H; and” and insert:  section 70H or 103AE; and</p> <p>(b) in paragraph (b)(ii) delete “section 70I or 70IA,” and insert:  section 70IA(1) or 103AW(1),</p> <p>(c) in paragraph (bb) delete “section 70F(2)” and insert:  section 103AZB(1)</p>	<p><b>70K. When retention licence liable to forfeiture (extract only)</b></p> <p>(b) the terms and conditions of the licence, including —</p> <p>(i) any conditions to which the licence is deemed to be subject under <a href="#">section 70H or 103AE; and <del>section 70H; and</del></a></p> <p>(ii) any conditions imposed under <a href="#">section 70IA(1) or 103AW(1)</a>, <del>section 70I or 70IA</del>, are not complied with; or</p> <p>(ba) a report required under section 70H(1)(f) or 115A in relation to the land the subject of the retention licence is not filed in accordance with this Act; or</p> <p>(bb) the holder of the licence fails to comply with a requirement under <a href="#">section 103AZB(1)</a> <del>section 70F(2)</del> to lodge a security; or</p>	<p>Reference to new provisions relating to compliance with conditions being moved to Part IVAA are being included in section 70K to ensure a breach of them renders the retention licence liable for forfeiture.</p>
<p>31 <b>Section 70L amended</b></p> <p>In section 70L(1)(b) delete “section 70I or 70IA; and” and insert:  section 70IA(1) or 103AW(1); and</p>	<p><b>70L. Holder of retention licence to have priority for grant of (extract only)</b></p> <p>(1) The holder of a retention licence has —</p> <p>(a) subject to this Act and to any conditions to which the retention licence is subject; and</p> <p>(b) subject to satisfactory compliance with any conditions imposed under <a href="#">section 70IA(1) or 103AW(1); and <del>section 70I or 70IA; and</del></a></p>	<p>This clause updates a reference to section 70I as a consequence of its repeal by clause 27.</p>
<p>32 <b>Section 70O amended</b></p> <p>Delete section 70O(1).</p> <p>Note: The heading to amended section 70O is to read:  Meaning of significant mineralisation</p>	<p><b>70O. Meaning of significant mineralisation <del>Terms used</del></b></p> <p><del>[(1) deleted]</del></p> <p><del>(1) In this Division —</del></p> <p><del>guidelines means guidelines approved by the Director General of Mines for the purposes of this Division;</del></p> <p><del>mine closure plan means a document that —</del></p> <p><del>(a) — is in the form required by the guidelines; and</del></p> <p><del>(b) — contains information of the kind required by the guidelines about the decommissioning of each proposed mine, and the rehabilitation of the</del></p>	<p>This clause removes reference to certain defined terms that are no longer required as a consequence of the enactment of new Part IVAA.</p>

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PART 2 - MINING ACT 1978 AMENDED	<p style="text-align: center;"><del>land, in respect of which a mining lease is sought or granted, as the case requires;</del></p> <p><del>mining proposal means a document that —</del></p> <p style="padding-left: 40px;"><del>(a) — is in the form required by the guidelines; and</del></p> <p style="padding-left: 40px;"><del>(b) — contains information of the kind required by the guidelines about proposed mining operations in, on or under the land in respect of which a mining lease is sought or granted, as the case requires; and</del></p> <p style="padding-left: 40px;"><del>(c) — contains a mine closure plan;</del></p> <p><del>relevant mining proposal, in relation to a mining lease, means —</del></p> <p style="padding-left: 40px;"><del>(a) — a mining proposal that accompanied the application for the mining lease under section 74(1)(ca); or</del></p> <p style="padding-left: 40px;"><del>(b) — a mining proposal for which there is approval as described in section 2A(2)(b); significant mineralisation has the meaning given in subsection (2).</del></p>	
<p>33 <b>Section 70P deleted</b></p> <p>Delete section 70P.</p>	<p><b>70P. Guidelines to be publicly available</b></p> <p><del>The Director General of Mines shall ensure that the guidelines are made available, without charge, for public inspection in the prescribed manner.</del></p>	<p>The requirement to make guidelines publicly available is removed from this Division and is now in the new section 103AM.</p>
<p>34 <b>Section 74 amended</b></p> <p>(1) Delete section 74(1)(ca)(i) and insert:</p> <p style="padding-left: 40px;">(i) a mining proposal in accordance with Part IVAA Division 4; or</p> <p>(2) In section 74(1AA) delete “and in the prescribed manner”.</p>	<p><b>74. Application for mining lease (extract only)</b></p> <p>(1) An application for a mining lease —</p> <p style="padding-left: 40px;">(ca) shall be accompanied by —</p> <p style="padding-left: 80px;"><u>(i) a mining proposal in accordance with Part IVAA Division 4; or</u></p> <p style="padding-left: 80px;">(i) a mining proposal; or</p> <p style="padding-left: 80px;">(ii) a statement in accordance with subsection (1a) and a mineralisation report prepared by a qualified person; or</p> <p style="padding-left: 80px;">(iii) a statement in accordance with subsection (1a) and a resource report; and</p> <p style="padding-left: 40px;">(d) shall be lodged in the prescribed manner.</p> <p>(1AA) Instead of accompanying an application for a mining lease under subsection (1)(ca), a mining proposal may be lodged within the prescribed time <del>and in the prescribed manner</del> and, if so lodged, is to be treated for the purposes of this Division as a mining proposal that accompanied the application for the mining lease under section 74(1)(ca).</p>	<p>References to mining proposals in sections 74(1)(ca)(i) and 74(1AA) are updated as a consequence of the provisions dealing with mining proposals. being moved to new Part IVAA.</p>

Bill provision	Outcome	Comment
<b>PART 2 - MINING ACT 1978 AMENDED</b>		
<p>35 <b>Section 82 amended</b></p> <p>(1) In section 82(1):</p> <p>(a) delete paragraph (ca);</p> <p>(b) delete paragraph (ga);</p> <p>(c) in paragraph (g) delete “section 84A(2)” and insert: section 103AZB(1)</p> <p>(2) Delete section 82(1b).</p>	<p><b>82. Covenants and conditions of lease (extract only)</b></p> <p><i>[(ca) deleted]</i></p> <p><del>(ca) not use ground disturbing equipment when mining on such land unless —</del></p> <p><del>(i) — the lessee has lodged in the prescribed manner a programme of work in respect of that use and has paid the prescribed assessment fee in respect of the programme and the programme has been approved in writing by the Minister or a prescribed official; or</del></p> <p><del>(ii) — that use is dealt with in a relevant mining proposal;</del></p> <p><i>[(ga) deleted]</i></p> <p><del>(ga) — in accordance with section 84AA —</del></p> <p><del>(i) — review the mine closure plan contained in a relevant mining proposal; and</del></p> <p><del>(ii) obtain the written approval for the reviewed mine closure plan from a prescribed official;</del></p> <p>(g) be liable to have the lease forfeited if he is in breach of any of the covenants or conditions of the lease, if he fails to comply with any requirement under <a href="#">section 103AZB(1)</a> <del>section 84A(2)</del> or 115B(2) in relation to the lease or if a report required under paragraph (e) or section 115A in relation to the land the subject of the lease is not filed in accordance with this Act.</p> <p><i>[(1b) deleted]</i></p> <p><del>(1b) Without limiting or otherwise affecting the application of the other provisions of subsection (1), paragraph (ca) of that subsection does not apply to a mining lease granted pursuant to a Government agreement, as defined in section 2 of the Government Agreements Act 1979, in accordance with proposals approved, deemed to be approved or determined under the agreement.</del></p>	<p>Subclause (1)(a) removes paragraph (ca) as the requirement to lodge a programme of works or mining proposal in respect of a mining lease will be governed by new sections 103AF and 103AH .</p> <p>Subclause (1)(b) removes paragraph (ga) as the review of mine closure plans will be governed by new Section 103AT.</p> <p>Subclause (1)(c) updates a reference to the relocated provision relating to security for compliance with environmental conditions, to ensure that a breach of the relocated provision continues to make the leaseholder liable to forfeiture.</p> <p>Subclause (2) omits paragraph (1b) as it relates only to paragraph (ca), the substance of which is being re-enacted in new sections 103AF and 103AH. The substance of paragraph (1b) (which exempts mining tenure connected with State Agreements from the programme of works and mining proposal requirements) will also be re-enacted in those sections.</p>
<p>36 <b>Section 82A deleted</b></p> <p>Delete section 82A.</p>	<p><b><u>82A.</u></b> <i><u>Deleted by the Mining Legislation Amendment Bill 2015 cl. 36.]</u></i></p> <p><b><del>82A. Condition to be included in certain mining leases</del></b></p> <p><del>(1) — This section applies to a mining lease if —</del></p> <p><del>(a) — the application for the mining lease was made under this Act, but was not determined, before the commencement of section 33 of the Mining Amendment Act 2004; or</del></p>	<p>This section, dealing with the requirement to lodge a mining proposal for certain mining leases, is now contained in the new section 103AH.</p>

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	<p><del>(b) — the application for the mining lease was accompanied by the documentation referred to in section 74(1)(ca)(ii).</del></p> <p><del>(2) — Every mining lease to which this section applies shall be deemed to be granted subject to a condition requiring the lessee, before the lessee carries out mining operations of a prescribed kind on any part of the land the subject of the mining lease —</del></p> <p><del>(a) — to lodge in the prescribed manner a mining proposal in respect of those operations; and</del></p> <p><del>(ba) — to pay the prescribed assessment fee in respect of the mining proposal; and</del></p> <p><del>(b) — to obtain written approval for the mining proposal from a prescribed official.</del></p>	
<p>37 <b>Section 84AA deleted</b></p> <p>Delete section 84AA.</p>	<p><b><u>84AA.</u></b> <i><u>Deleted by the Mining Legislation Amendment Bill 2015 cl. 37.1</u></i></p> <p><b>84AA. Review of mine closure plans</b></p> <p><del>(1) — The lessee of a mining lease must ensure that the mine closure plan contained in a relevant mining proposal is reviewed — (a) in the case of a mining proposal that accompanied the application for the mining lease under section 74(1)(ca), no later than 3 years after the lease is granted; or</del></p> <p><del>(b) — in the case of a mining proposal for which there is approval as described in section 82A(2)(b), no later than 3 years after the approval; or</del></p> <p><del>(c) — no later than such other time as is approved in writing by a prescribed official.</del></p> <p><del>(2) — The lessee of a mining lease must ensure that a mine closure plan is reviewed no later than —</del></p> <p><del>(a) — 3 years after its most recent review; or</del></p> <p><del>(b) — such other time as is approved in writing by a prescribed official.</del></p> <p><del>(3) — The lessee of a mining lease must ensure that a reviewed mine closure plan is lodged, for the approval of a prescribed official, in the prescribed manner and within the prescribed time.</del></p>	<p>This section covered the review of mine closure plans, which is now incorporated into proposed new sections 103AJ and 103AK.</p>
<p>38 <b>Section 84 deleted</b></p> <p>Delete section 84.</p>	<p><b><u>84.</u></b> <i><u>Deleted by the Mining Legislation Amendment Bill 2015 cl. 38.1</u></i></p> <p><b>84. Conditions for prevention or reduction of injury to land</b></p> <p><del>(1) — On the granting of a mining lease, or at any subsequent time, the Minister may impose on the</del></p>	<p>Conditions for the prevention or reduction of injury to land will now be addressed by new section 103AW.</p>

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<p>39 <b>Section 84A amended</b></p> <p>(1) Delete section 84A(2).</p> <p>(2) In section 84A(3) delete “or (2)”.</p>	<p><b>84A. Security relating to mining lease (extract only)</b></p> <p><del>[(2) deleted]</del></p> <p><del>(2) The Minister may require the holder of a mining lease to lodge, in the prescribed manner and within such period as the Minister specifies in writing, an additional security for compliance with conditions imposed in relation to the lease under section 84.</del></p> <p>(3) A security referred to in subsection (1) <del>or (2)</del> shall be in accordance with and subject to section 126.</p>	<p>Subclause (1) removes the capacity to require the holder of a mining lease to lodge security for compliance with environmental conditions, which is being re-enacted in section 103AZB.</p> <p>Subclause (2) makes a consequential amendment to subsection (3) to remove reference to the deleted subsection (2).</p>
<p>40 <b>Section 90 amended</b></p> <p>(1) In section 90(1):</p>	<p><b>90. Application of certain provisions to general purpose leases (extract only)</b></p> <p>(1) Section 6(1a), (1c) and (1d) apply, with such modifications as the circumstances require, to and in</p>	<p>Clause 40 revises references in section 90 so that:</p>

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<p>(a) in paragraph (a) delete “subsections” and insert: subsections, other than in subsection (1d)(a),</p> <p>(b) delete paragraph (b) and insert:</p> <p>(b) subsection (1d)(a) were replaced by the following paragraph —</p> <p>(a) a programme of work lodged by the holder of the general purpose lease in compliance with a condition prescribed by the regulations for the purposes of section 89; or</p> <p>(2) Delete section 90(2)(b) and insert:</p> <p>(b) subsection (1)(ca)(ii) and (iii) were replaced by the following subparagraph —</p> <p>(ii) a statement in accordance with subsection (1a);</p> <p>(3) In section 90(4) delete “82A, 83, 84, 84A,” and insert: 83, 84A, 103AH,</p> <p>(4) In section 90(4) as amended by subsection (3) after “103AH,” insert: 103AZC, 103AZD,</p>	<p>relation to a general purpose lease as if —</p> <p>(a) a reference in those <a href="#">subsections, other than in subsection (1d)(a),</a> <del>subsections</del> to a mining lease were a reference to a general purpose lease; and</p> <p><a href="#">(b) subsection (1d)(a) were replaced by the following paragraph —</a></p> <p><a href="#">(a) a programme of work lodged by the holder of the general purpose lease in compliance with a condition prescribed by the regulations for the purposes of section 89; or</a></p> <p><del>(b) the reference in subsection (1d)(a) to the condition referred to in section 82(1)(ca) were a reference to a condition prescribed by the regulations for the purposes of section 89.</del></p> <p>(2) Section 74 applies, with such modifications as the circumstances require, to and in relation to a general purpose lease as if —</p> <p>(a) a reference in that section to a mining lease were a reference to a general purpose lease; and</p> <p><a href="#">(b) subsection (1)(ca)(ii) and (iii) were replaced by the following subparagraph —</a></p> <p><a href="#">(ii) a statement in accordance with subsection (1a);</a></p> <p><del>(b) in subsection (1)(ca)(ii) “and a mineralisation report prepared by a qualified person” were deleted.</del></p> <p>(3) Section 75 applies, with such modifications as the circumstances require, to and in relation to a general purpose lease as if —</p> <p>(a) a reference in that section to a mining lease were a reference to a general purpose lease; and</p> <p>(b) the amendments made to that section by section 31 of <i>the Mining Amendment Act 2004</i> had not come into operation.</p> <p>(4) Sections 76, 79, 80, <a href="#">83, 84A, 103AH, 103AZC, 103AZD,</a> <del>82A, 83, 84, 84A,</del> 104 and 105 apply, with such modifications as the circumstances require, to and in relation to a general purpose lease as if a reference in those sections to a mining lease were a reference to a general purpose lease.</p>	<ul style="list-style-type: none"> <li>the existing <i>Mining Act</i> provisions dealing with the referral of certain proposals to the Environmental Protection Authority and the requirement to lodge of mining proposals continue to apply to general purpose leases in the same way as they apply to mining leases; and</li> <li>the proposed new <i>Mining Act</i> provisions relating to low-impact activities, environmental management systems and the general environmental duty will apply to general purpose leases in the same way as they apply to mining leases.</li> </ul>

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<p>41 <b>Section 92 amended</b></p> <p>In section 92 delete “46A,”.</p>	<p><b>92. Provisions applying to all miscellaneous licences (extract only)</b></p> <p>Sections 41, 42, 44, 46, <del>46A</del>, 47 and 52 apply, with such modifications as the circumstances require, to and in relation to a miscellaneous licence as though in those provisions a reference to a prospecting licence was to be construed as a reference to a miscellaneous licence.</p>	<p>Section 92 outlines the sections applying to a prospecting licence that also apply to a miscellaneous licence. This clause replaces a reference to section 46A (which is to be repealed) with a reference to new section 103AW that will apply in its place.</p>
<p>42 <b>Section 96 amended</b></p> <p>In section 96(2):</p> <p>(a) in paragraph (b) delete “section 46 or section 50,” and insert:</p> <p style="padding-left: 40px;">section 46, 50, 103AE, 103AG or 103AI</p> <p>(b) in paragraph (bb) delete “section 52(1a), 55B(2)” and insert:</p> <p style="padding-left: 40px;">section 55B(2), 103AZB(1)</p>	<p><b>96. Forfeiture of certain mining tenements (extract only)</b></p> <p>(b) any term or condition to which the mining tenement is subject, including any condition referred to in <a href="#">section 46, 50, 103AE, 103AG or 103AI</a> <del>section 46, or section 50</del> is not complied with; or</p> <p>(bb) any requirement under <a href="#">section 55B(2), 103AZB(1)</a> <del>section 52(1a), 55B(2)</del> or 115B(2) is not complied with; or</p>	<p>Additional section references are included in section 96 to reflect that a prospecting or miscellaneous licence may be liable for forfeiture for breach of conditions included in Part IVAA.</p>
<p>43 <b>Section 102 amended</b></p> <p>(1) Delete section 102(1) and insert:</p> <p>(1) An application (an application for exemption) may be made to the mining registrar, as prescribed, by the holder of a mining tenement (other than a retention licence), or the holder’s authorised agent, for a total or partial exemption of the mining tenement from the prescribed expenditure conditions relating to it in an amount not exceeding —</p> <p>(a) in the case of any mining tenement, the amount required to be expended in the year specified in the application; or</p> <p>(b) in the case of a mining lease, the amount required to be expended in the period of 5 years from the commencement of the year specified in the application.</p>	<p><b>102. Exemption from expenditure conditions (extract only)</b></p> <p>(1) <a href="#">An application (an application for exemption) may be made, as prescribed, by the holder of a mining tenement (other than a retention licence), or the holder’s authorised agent, for a total or partial exemption of the mining tenement from the prescribed expenditure conditions relating to it in an amount not exceeding —</a></p> <p><a href="#">(a) in the case of any mining tenement, the amount required to be expended in the year specified in the application; or</a></p> <p><a href="#">(b) in the case of a mining lease, the amount required to be expended in the period of 5 years from the commencement of the year specified in the application.</a></p> <p><del>(1) Subject to this Act, on an application (an application for exemption) made, as prescribed, by the holder of a mining tenement (other than a retention licence) or his authorised agent prior to the end of the year to which the proposed exemption relates, or within the prescribed period after the end of that year, the holder may be granted a certificate of exemption in the prescribed form totally or partially exempting the mining tenement to which the application relates from the prescribed expenditure conditions relating thereto, in an amount not exceeding the amount required to be expended —</del></p> <p><del>(a) in respect to any mining tenement other than a mining lease, in any one year; and</del></p>	<p>Subclause (1) replaces subsection (1) and removes reference to a “certificate of exemption” being granted as there is no longer a requirement to provide paper certificates. The provision is also being reworded to provide better clarity.</p>

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<p>(2) After section 102(1a) insert:</p> <p style="padding-left: 40px;">(1B) An application for exemption must be made before the end of the year specified in the application, or within the prescribed period after the end of that year.</p> <p>(3) In section 102(2) delete “A certificate of ” and insert:</p> <p style="padding-left: 40px;">An</p> <p>(4) In section 102(3) delete “a certificate of ” and insert:</p> <p style="padding-left: 40px;">an</p> <p>(5) Delete section 102(5) to (7) and insert:</p> <p style="padding-left: 40px;">(5) A person who wishes to object to the granting of an exemption shall lodge a notice of objection within the prescribed time and in the prescribed manner.</p> <p>(6) If no notice of objection is lodged within the prescribed time, or any notice of objection is withdrawn, the mining registrar shall forward the application for exemption to the Minister for determination.</p> <p>(7) If a notice of objection —</p> <p style="padding-left: 40px;">(a) is lodged within the prescribed time; or</p> <p style="padding-left: 40px;">(b) where the application for exemption has been forwarded to the Minister under subsection (6), is lodged before the Minister has determined the application for exemption under subsection (9) and the warden is satisfied that there are reasonable grounds for late lodgement, and the notice of objection is not withdrawn, the warden shall hear the application for exemption on a day appointed by the warden and may give any person who has lodged a notice of objection an opportunity to be heard.</p> <p>(8) If an application for exemption is heard by the warden under subsection (7) the warden shall as soon as practicable after the hearing of the application transmit to the Minister —</p>	<p style="text-align: center;"><del>(b) — in respect to a mining lease, subject to subsection (7), in a period of 5 years.</del></p> <p>(1a) An application for exemption may relate to more than one mining tenement.</p> <p><u>(1B) An application for exemption must be made before the end of the year specified in the application, or within the prescribed period after the end of that year.</u></p> <p>(2) An <del>certificate of</del> exemption may be granted for any of the following reasons —</p> <p style="padding-left: 40px;">(a) that the title to the mining tenement is in dispute; or</p> <p>(3) Notwithstanding that the reasons given for the application for exemption are not amongst those set out in subsection (2), an <del>certificate of</del> exemption may also be granted for any other reason which may be prescribed or which in the opinion of the Minister is sufficient to justify such exemption.</p> <p><u>(5) A person who wishes to object to the granting of an exemption shall lodge a notice of objection within the prescribed time and in the prescribed manner.</u></p> <p><u>(6) If no notice of objection is lodged within the prescribed time, or any notice of objection is withdrawn, the mining registrar shall forward the application for exemption to the Minister for determination.</u></p> <p><u>(7) If a notice of objection —</u></p> <p style="padding-left: 40px;"><u>(a) is lodged within the prescribed time; or</u></p> <p style="padding-left: 40px;"><u>(b) where the application for exemption has been forwarded to the Minister under subsection (6), is lodged before the Minister has determined the application for exemption under subsection (9) and the warden is satisfied that there are reasonable grounds for late lodgement and the notice of objection is not withdrawn, the warden shall hear the application for exemption on a day appointed by the warden and may give any person who has lodged a notice of objection an opportunity to be heard.</u></p> <p><u>(8) If an application for exemption is heard by the warden under subsection (7) the warden shall as soon as practicable after the hearing of the application transmit to the Minister —</u></p> <p style="padding-left: 40px;"><u>(a) the notes of evidence given in the hearing; and</u></p> <p style="padding-left: 40px;"><u>(b) any maps or other documents referred to in the</u></p>	<p>Subclause (2) adds new subsection (1B) to clarify when an application for annual expenditure exemption should be made.</p> <p>Subclauses (3) and (4) remove reference to a certificate in line with the amendment in subclause (1).</p> <p>Subclause (5) deletes subsections (5) to (7) and inserts new subsections (5) to (10) dealing with objections to the granting of an exemption and how the Warden and the Minister are to conduct any consideration of these objections.</p>

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<p>(a) the notes of evidence given in the hearing; and</p> <p>(b) any maps or other documents referred to in the hearing; and</p> <p>(c) the warden's report recommending the granting or refusal of the application and setting out the reasons for that recommendation.</p> <p>(9) If an application for exemption is not heard by the warden or the Minister receives a report under subsection (8), the Minister may —</p> <p>(a) in the case of an application for exemption made under subsection (1)(a), grant an exemption in an amount not exceeding the amount required to be expended in respect of the mining tenement in the year specified in the application; or</p> <p>(b) in the case of an application for exemption made under subsection (1)(b), grant an exemption in an amount not exceeding the amount required to be expended in respect of the mining lease in the period of 5 years from the commencement of the year specified in the application, or may refuse the application for exemption.</p> <p>(10) If the Minister has received a report under subsection (8), the Minister may grant an exemption under subsection (9) whether or not the report recommends the granting of an exemption.</p>	<p><u>hearing; and</u></p> <p><u>(c) the warden's report recommending the granting or refusal of the application and setting out the reasons for that recommendation.</u></p> <p><u>(9) If an application for exemption is not heard by the warden or the Minister receives a report under subsection (8), the Minister may —</u></p> <p><u>(a) in the case of an application for exemption made under subsection (1)(a), grant an exemption in an amount not exceeding the amount required to be expended in respect of the mining tenement in the year specified in the application; or</u></p> <p><u>(b) in the case of an application for exemption made under subsection (1)(b), grant an exemption in an amount not exceeding the amount required to be expended in respect of the mining lease in the period of 5 years from the commencement of the year specified in the application, or may refuse the application for exemption.</u></p> <p><u>(10) If the Minister has received a report under subsection (8), the Minister may grant an exemption under subsection (9) whether or not the report recommends the granting of an exemption.</u></p> <p><del>(5) — An application for exemption —</del></p> <p><del>(a) — where an objection to the application is lodged, shall be heard by the warden; but</del></p> <p><del>(b) — otherwise, shall be forwarded to the Minister for determination by the Minister.</del></p> <p><del>(6) — The warden shall as soon as practicable after the hearing of the application transmit to the Minister for his consideration the notes of evidence and any maps or other documents referred to therein and his report recommending the granting or refusal of the application and setting out his reasons for that recommendation.</del></p> <p><del>(7) — Where the warden finds that the reasons given by the holder of the mining lease are sufficient to justify the granting of a certificate of exemption and so recommends, or if the Minister is satisfied whether or not a recommendation is made by the warden, the Minister may grant a certificate of exemption in an amount not exceeding the amount required to be expended in respect of the mining lease in the period of 5 years from the commencement of the year to which the application relates.</del></p>	
<b>Section 102A amended</b>	<b>102A. Exemption from expenditure conditions in respect of</b>	

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<p>In section 102A(1) delete</p> <p>“certificate in the prescribed form totally or partially exempting the holder of that licence” and insert:</p> <p>total or partial exemption</p>	<p><b>certain holders of exploration licences (extract only)</b></p> <p>(1) Notwithstanding anything in section 102, the Minister may, on payment of the prescribed fee and on the application in writing of the holder of an exploration licence who has been authorised by the Minister under section 111 to explore for iron on the land the subject of the exploration licence, grant that holder a <del>total or partial exemption certificate in the prescribed form totally or partially exempting the holder of that licence</del> from the prescribed expenditure conditions relating to the exploration licence in an amount not exceeding the amount required to be expended in any one year.</p>	<p>This clause amends subsection (1) to reflect that a certificate of exemption is no longer required.</p>
<p><b>Section 103 deleted</b></p> <p>Delete section 103.</p>	<p><u><a href="#">103.</a></u> <del><i>[Deleted by the Mining Legislation Amendment Bill 2015 cl. 45.]</i></del></p> <p><del><b>103. Effect of exemption</b></del></p> <p><del>Upon the granting of a certificate of exemption pursuant to section 102 or section 102A the holder of a mining tenement to whom it is granted shall be deemed to be relieved, to the extent, and subject to the conditions specified in the certificate, from his obligations under the prescribed expenditure conditions relating to the mining tenement.</del></p> <p><del><i>[Section 103 amended by No. 100 of 1985 s. 78.]</i></del></p>	<p>This section is not required as a certificate of exemption will no longer be issued.</p>
<p>44 <b>Part IVAA inserted</b></p> <p>Before Part IVA insert:</p> <p>Part IVAA —Environmental management</p> <p>Division 1 — Preliminary</p>	<p><u><a href="#">Part IVAA —Environmental management</a></u></p> <p><del><i>[Heading inserted by the Mining Legislation Amendment Bill 2015 cl. 46.]</i></del></p> <p><u><a href="#">Division 1 — Preliminary</a></u></p> <p><del><i>[Heading inserted by the Mining Legislation Amendment Bill 2015 cl. 46.]</i></del></p>	<p>This clause inserts new Part IVAA into <i>the Act</i>. The new Part will deal with environmental management of mining tenements, including:</p> <ul style="list-style-type: none"> <li>• requiring certain activities to be approved by submitting a programme of works or mining proposal (including mine closure plans);</li> <li>• allowing certain activities to be carried out without approval, but in accordance with prescribed requirements, if they are low-impact activities; and</li> <li>• providing for conditions to be placed on mining tenements for preventing, reducing or remediating environmental harm, and directly imposing certain other conditions to do with environmental management.</li> </ul> <p>Some provisions of the proposed new Part substantially re-enact other provisions of <i>the Act</i> that are being repealed by provisions of this Bill. Some new provisions extend and clarify the nature of environmental obligations on mining tenements. Some other new provisions allow the clearing of native vegetation associated with mining to be approved and administered <i>the Act</i>, consistently with the exemption of those activities (by the amendments to the <i>EP Act</i> in Part 4) from the native vegetation clearing permit provisions under that <i>Act</i>.</p>
<p>45 <b>103AA. Terms used</b></p> <p>In this Part —</p>	<p><u><a href="#">103AA.</a></u> <u><a href="#">Terms used</a></u></p> <p><u><a href="#">In this Part —</a></u></p>	<p>This section defines certain terms used in proposed Part IVAA.</p>

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<p><b>PART 2 - MINING ACT 1978 AMENDED</b></p> <p><i>clearing</i> has the meaning given in the <i>EP Act</i> section 51A;</p> <p><i>environment means</i> —</p> <ul style="list-style-type: none"> <li>(a) ecosystems and their constituent parts; and</li> <li>(b) natural physical and biological attributes of land, but does not include —</li> <li>(c) man-made structures or works on land; or</li> <li>(d) social, economic, heritage and cultural features of land; environmental harm means adverse ecological effects on the environment; guidelines means guidelines approved under section 103AM; low-impact activity means a low-impact activity prescribed under section 103AC(1); native vegetation has the meaning given in the <i>EP Act</i> section 51A; practicable means reasonably practicable having regard to, among other things, local conditions and circumstances (including costs) and to the current state of technical knowledge.</li> </ul>	<p><a href="#"><u>clearing has the meaning given in the <i>EP Act</i> section 51A;</u></a></p> <p><a href="#"><u>environment means —</u></a></p> <ul style="list-style-type: none"> <li><a href="#"><u>(a) ecosystems and their constituent parts; and</u></a></li> <li><a href="#"><u>(b) natural physical and biological attributes of land, but does not include —</u></a></li> <li><a href="#"><u>(c) man-made structures or works on land; or</u></a></li> <li><a href="#"><u>(d) social, economic, heritage and cultural features of land; environmental harm means adverse ecological effects on the environment; guidelines means guidelines approved under section 103AM; low-impact activity means a low-impact activity prescribed under section 103AC(1); native vegetation has the meaning given in the <i>EP Act</i> section 51A; practicable means reasonably practicable having regard to, among other things, local conditions and circumstances (including costs) and to the current state of technical knowledge.</u></a></li> </ul>	
<p>46 <b>103AB. Object of Part</b></p> <p>The object of this Part is to support the responsible environmental management of mining, including land rehabilitation and mine closure.</p>	<p><b><u>103AB. Object of Part</u></b></p> <p><a href="#"><u>The object of this Part is to support the responsible environmental management of mining, including land rehabilitation and mine closure.</u></a></p>	<p>Section 103AB states the object of the proposed Part, which is to support the responsible environmental management of mining, including environmental rehabilitation and the closure of mines.</p>
<p>47 <b>103AC. Low-impact activities</b></p> <ul style="list-style-type: none"> <li>(1) The regulations may prescribe an activity relating to, or connected with, mining to be a low-impact activity for the purposes of this Part.</li> <li>(2) Without limiting the generality of subsection (1), regulations under that subsection may be made in respect of clearing.</li> </ul>	<p><b><u>103AC. Low-impact activities</u></b></p> <ul style="list-style-type: none"> <li><a href="#"><u>(1) The regulations may prescribe an activity relating to, or connected with, mining to be a low-impact activity for the purposes of this Part.</u></a></li> <li><a href="#"><u>(2) Without limiting the generality of subsection (1), regulations under that subsection may be made in respect of clearing.</u></a></li> </ul>	<p>Section 103AC enables regulations to be made setting out what is a low-impact activity. Mining tenement holders will not need approval under the new Part for low-impact activities but instead may carry them out after giving the required notice and providing they are carried out in accordance with prescribed requirements.</p>
<p>48 <b>103AD. False or misleading information</b></p> <ul style="list-style-type: none"> <li>(1) A person must not do any of the things set out in subsection (2) in or in relation to a document lodged, or a notice given, under this Part. Penalty: a fine of \$20 000.</li> <li>(2) The things to which subsection (1) applies are — <ul style="list-style-type: none"> <li>(a) make a statement which the person knows is false or misleading in a material particular; or</li> <li>(b) make a statement which is false or misleading in a material particular, with reckless disregard as to whether or not the statement is false or misleading in a material particular; or</li> </ul> </li> </ul>	<p><b><u>103AD. False or misleading information</u></b></p> <ul style="list-style-type: none"> <li><a href="#"><u>(1) A person must not do any of the things set out in subsection (2) in or in relation to a document lodged, or a notice given, under this Part. Penalty: a fine of \$20 000.</u></a></li> <li><a href="#"><u>(2) The things to which subsection (1) applies are —</u></a> <ul style="list-style-type: none"> <li><a href="#"><u>(a) make a statement which the person knows is false or misleading in a material particular; or</u></a></li> <li><a href="#"><u>(b) make a statement which is false or misleading in a material particular, with reckless disregard as to whether or not the statement is false or misleading in a material particular; or</u></a></li> </ul> </li> </ul>	<p>This section will make it an offence, with a maximum penalty of \$20,000, to make a statement or provide information that is false or misleading in a document lodged or notice given under the proposed new Part.</p>

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<p>(c) provide, or cause to be provided, information that the person knows is false or misleading in a material particular; or</p> <p>(d) provide, or cause to be provided, information that is false or misleading in a material particular, with reckless disregard as to whether the information is false or misleading in a material particular; or</p> <p>(e) omit, or cause to be omitted, information without which the document or notice (as the case may be) is to the person's knowledge misleading in a material particular.</p>	<p><u>(c) provide, or cause to be provided, information that the person knows is false or misleading in a material particular; or</u></p> <p><u>(d) provide, or cause to be provided, information that is false or misleading in a material particular, with reckless disregard as to whether the information is false or misleading in a material particular; or</u></p> <p><u>(e) omit, or cause to be omitted, information without which the document or notice (as the case may be) is to the person's knowledge misleading in a material particular.</u></p>	
<p><b>Division 2 — Programmes of work</b></p>	<p><u><b>Division 2 — Programmes of work</b></u></p>	<p><b>Proposed Division 2 – Programmes of work</b> This proposed Division sets out the notification and approval requirements applying to prospecting or exploring for minerals and related activities. The provisions in the Division impose conditions on mining tenements preventing specified activities from being undertaken on particular tenement types until the holder has met requirements under proposed Division 4 or 5.</p>
<p>49 <b>103AE. Conditions attached to prospecting licences, exploration licences and retention licences</b></p> <p>(1) In this section — <i>licence</i> means —</p> <p>(a) a prospecting licence; or</p> <p>(b) an exploration licence; or</p> <p>(c) a retention licence;</p> <p><i>relevant activity</i>, done on land the subject of a licence, means any of the following —</p> <p>(a) clearing on the land for the purposes of, or in preparation for, prospecting or exploring for minerals;</p> <p>(b) using machinery to disturb the surface of the land for the purposes of, or in preparation for, prospecting or exploring for minerals;</p> <p>(c) prospecting;</p> <p>(d) exploring for minerals.</p> <p>(2) It is a condition of every licence that a relevant activity that is a low-impact activity must not be done by the licensee on land the subject of the licence until —</p> <p>(a) the licensee has given a notice of low-impact activity in respect of the relevant activity; or</p> <p>(b) the licensee has lodged a programme of work in</p>	<p><u><b>103AE. Conditions attached to prospecting licences, exploration licences and retention licences</b></u></p> <p><u>(1) In this section —</u> <u><i>licence</i> means —</u></p> <p><u>(a) a prospecting licence; or</u></p> <p><u>(b) an exploration licence; or</u></p> <p><u>(c) a retention licence;</u></p> <p><u><i>relevant activity</i>, done on land the subject of a licence, means any of the following —</u></p> <p><u>(a) clearing on the land for the purposes of, or in preparation for, prospecting or exploring for minerals;</u></p> <p><u>(b) using machinery to disturb the surface of the land for the purposes of, or in preparation for, prospecting or exploring for minerals;</u></p> <p><u>(c) prospecting;</u></p> <p><u>(d) exploring for minerals.</u></p> <p><u>(2) It is a condition of every licence that a relevant activity that is a low-impact activity must not be done by the licensee on land the subject of the licence until —</u></p> <p><u>(a) the licensee has given a notice of low-impact activity in respect of the relevant activity; or</u></p>	<p>This section sets out the notification and approval requirements for prospecting and exploring, and associated activities, on prospecting licences, exploration licences and retention licences.</p> <p>It will be a condition of every prospecting licence, exploration licence and retention licence that a licensee who proposes to carry out prospecting or exploring for minerals, or clear land or use ground disturbing equipment for the purposes of prospecting or exploring (a “relevant activity”):</p> <ul style="list-style-type: none"> <li>• if the relevant activity is prescribed as a low-impact activity in regulations made under the new Part – the licensee must first either give a notice of low-impact activity in accordance with proposed Division 5 or have the activity approved by way of a programme of works in accordance with proposed Division 4; or</li> <li>• if the relevant activity is not a prescribed low-impact activity, the licensee must first have the activity approved by way of a programme of works in accordance with proposed Division 4.</li> </ul> <p>It will also be a condition of every licence that a relevant activity approved by way of a programme of works must be carried out in accordance with the approval.</p>

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<p>respect of the relevant activity in accordance with Division 4, and the relevant activity is approved under this Part.</p> <p>(3) It is a condition of every licence that a relevant activity that is not a low-impact activity must not be done by the licensee on land the subject of the licence until the licensee has lodged a programme of work in respect of the relevant activity in accordance with Division 4, and the relevant activity is approved under this Part.</p> <p>(4) It is a condition of every licence that, if a relevant activity on land the subject of the licence is approved under this Part, the licensee must not do the relevant activity on the land otherwise than in accordance with the approval.</p>	<p><u>(b) the licensee has lodged a programme of work in respect of the relevant activity in accordance with Division 4, and the relevant activity is approved under this Part.</u></p> <p><u>(3) It is a condition of every licence that a relevant activity that is not a low-impact activity must not be done by the licensee on land the subject of the licence until the licensee has lodged a programme of work in respect of the relevant activity in accordance with Division 4, and the relevant activity is approved under this Part.</u></p> <p><u>(4) It is a condition of every licence that, if a relevant activity on land the subject of the licence is approved under this Part, the licensee must not do the relevant activity on the land otherwise than in accordance with the approval.</u></p>	
<p>50 <b>103AF. Conditions attached to mining leases</b></p> <p>(1) In this section —</p> <p><i>relevant activity</i>, done on land the subject of a mining lease, means any of the following —</p> <p>(a) clearing on the land for the purposes of, or in preparation for, exploring for minerals;</p> <p>(b) using machinery to disturb the surface of the land for the purposes of, or in preparation for, exploring for minerals;</p> <p>(c) exploring for minerals.</p> <p>(2) It is a condition of every mining lease that a relevant activity that is a low-impact activity must not be done by the lessee on land the subject of the mining lease until —</p> <p>(a) the lessee has given a notice of low-impact activity in respect of the relevant activity; or</p> <p>(b) the lessee has lodged a programme of work in respect of the relevant activity in accordance with Division 4, and the relevant activity is approved under this Part.</p> <p>(3) It is a condition of every mining lease that a relevant activity that is not a low-impact activity must not be done by the lessee on land the subject of the mining lease until the lessee has lodged a programme of work in respect of the relevant activity in accordance with Division 4, and the relevant activity is approved under this Part.</p> <p>(4) A lessee of a mining lease is not required to comply with the condition referred to in subsection (2) or (3) in respect of a relevant activity that is —</p> <p>(a) proposed in a mining proposal relating to the mining lease and lodged in accordance with Division 4; and</p>	<p><b><u>103AF. Conditions attached to mining leases</u></b></p> <p><u>(1) In this section —</u></p> <p><u><i>relevant activity</i>, done on land the subject of a mining lease, means any of the following —</u></p> <p><u>(a) clearing on the land for the purposes of, or in preparation for, exploring for minerals;</u></p> <p><u>(b) using machinery to disturb the surface of the land for the purposes of, or in preparation for, exploring for minerals;</u></p> <p><u>(c) exploring for minerals.</u></p> <p><u>(2) It is a condition of every mining lease that a relevant activity that is a low-impact activity must not be done by the lessee on land the subject of the mining lease until —</u></p> <p><u>(a) the lessee has given a notice of low-impact activity in respect of the relevant activity; or</u></p> <p><u>(b) the lessee has lodged a programme of work in respect of the relevant activity in accordance with Division 4, and the relevant activity is approved under this Part.</u></p> <p><u>(3) It is a condition of every mining lease that a relevant activity that is not a low-impact activity must not be done by the lessee on land the subject of the mining lease until the lessee has lodged a programme of work in respect of the relevant activity in accordance with Division 4, and the relevant activity is approved under this Part.</u></p> <p><u>(4) A lessee of a mining lease is not required to comply with the condition referred to in subsection (2) or (3) in respect of a relevant activity that is —</u></p> <p><u>(a) proposed in a mining proposal relating to the mining lease and lodged in accordance with</u></p>	<p>This section sets out the notification and approval requirements for exploring for minerals (and some associated activities) proposed to be carried out on a mining lease. Section 103AH will apply to prescribed mining operations on a mining lease.</p> <p>It will be a condition of every mining lease that a licensee who proposes to explore for minerals, or clear land or use ground disturbing equipment for the purposes of exploring for minerals (a “relevant activity”):</p> <ul style="list-style-type: none"> <li>if the relevant activity is prescribed as a low-impact activity in regulations made under the new Part – the licensee must first either give a notice of low-impact activity in accordance with proposed Division 5, or have the activity approved by way of a programme of works in accordance with proposed Division 4; or</li> <li>if the relevant activity is not a prescribed low-impact activity, the licensee must first have it approved by way of a programme of works in accordance with proposed Division 4.</li> </ul> <p>It will also be a condition of every mining lease that a relevant activity approved by way of a programme of works must be carried out in accordance with the approval. The new conditions will not apply:</p> <ul style="list-style-type: none"> <li>if the relevant activity has been approved by way of a mining proposal under proposed Division 4; or</li> <li>to a mining lease granted under, or held in connection with, a State Agreement.</li> </ul>

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<p>(b) approved under this Part.</p> <p>(5) It is a condition of every mining lease that, if a relevant activity on land the subject of the lease is approved under this Part, the lessee must not do the relevant activity on the land otherwise than in accordance with the approval.</p> <p>(6) If a mining lease is granted, or held, pursuant to a Government agreement, as defined in the <i>GA Act</i> section 2, in accordance with proposals approved, deemed to be approved or determined under the agreement, this section does not apply to the mining lease unless the agreement otherwise provides.</p>	<p><u>Division 4; and</u></p> <p><u>(b) approved under this Part.</u></p> <p><u>(5) It is a condition of every mining lease that, if a relevant activity on land the subject of the lease is approved under this Part, the lessee must not do the relevant activity on the land otherwise than in accordance with the approval.</u></p> <p><u>(6) If a mining lease is granted, or held, pursuant to a Government agreement, as defined in the GA Act section 2, in accordance with proposals approved, deemed to be approved or determined under the agreement, this section does not apply to the mining lease unless the agreement otherwise provides.</u></p>	
<p><b>103AG. Conditions attached to miscellaneous licences</b></p> <p>(1) In this section —</p> <p><i>licensed activity</i> means an activity authorised by the miscellaneous licence but does not include prescribed mining operations as defined in section <del>103AH</del><u>103AI</u>(1);</p> <p><i>relevant activity, done on land the subject of a miscellaneous licence</i>, means any of the following —</p> <p>(a) clearing on the land for the purposes of, or in preparation for, a licensed activity;</p> <p>(b) using machinery to disturb the surface of the land for the purposes of, or in preparation for, a licensed activity;</p> <p>(c) a licensed activity.</p> <p>(2) It is a condition of every miscellaneous licence that a relevant activity that is a low-impact activity must not be done by the licensee on land the subject of the miscellaneous licence until —</p> <p>(a) the licensee has given a notice of low-impact activity in respect of the relevant activity; or</p> <p>(b) the licensee has lodged a programme of work in respect of the relevant activity in accordance with Division 4, and the relevant activity is approved under this Part.</p> <p>(3) It is a condition of every miscellaneous licence that a relevant activity that is not a low-impact activity must not be done by the licensee on land the subject of the miscellaneous licence until the licensee has lodged a programme of work in respect of the relevant activity in accordance with Division 4, and the relevant activity is approved under this Part.</p>	<p><b><u>103AG. Conditions attached to miscellaneous licences</u></b></p> <p><u>(1) In this section —</u></p> <p><u><i>licensed activity</i> means an activity authorised by the miscellaneous licence but does not include prescribed mining operations as defined in section 103AH103AI(1);</u></p> <p><u><i>relevant activity, done on land the subject of a miscellaneous licence</i>, means any of the following —</u></p> <p><u>(a) clearing on the land for the purposes of, or in preparation for, a licensed activity;</u></p> <p><u>(b) using machinery to disturb the surface of the land for the purposes of, or in preparation for, a licensed activity;</u></p> <p><u>(c) a licensed activity.</u></p> <p><u>(2) It is a condition of every miscellaneous licence that a relevant activity that is a low-impact activity must not be done by the licensee on land the subject of the miscellaneous licence until —</u></p> <p><u>(a) the licensee has given a notice of low-impact activity in respect of the relevant activity; or</u></p> <p><u>(b) the licensee has lodged a programme of work in respect of the relevant activity in accordance with Division 4, and the relevant activity is approved under this Part.</u></p> <p><u>(3) It is a condition of every miscellaneous licence that a relevant activity that is not a low-impact activity must not be done by the licensee on land the subject of the miscellaneous licence until the licensee has lodged a programme of work in respect of the relevant activity in accordance with Division 4, and the relevant activity is approved under this Part.</u></p> <p><u>(4) A licensee is not required to comply with the condition</u></p>	<p>This section sets out the notification and approval requirements for carrying out activities in relation to which a miscellaneous licence has been granted that are not prescribed mining operations, and some associated activities (a “relevant activity”). [Section 103AI] will apply to prescribed mining operations on a miscellaneous licence. It will be a condition of every miscellaneous licence that a licensee who proposes to explore for minerals, or clear land or use ground disturbing equipment for the purposes of exploring for minerals (a “relevant activity”):</p> <ul style="list-style-type: none"> <li>if the relevant activity is prescribed as a low-impact activity in regulations made under the new Part – the licensee must first either give a notice of low-impact activity in accordance with proposed Division 5, or have it approved by way of a programme of works in accordance with proposed Division 4; or</li> <li>if the relevant activity is not a prescribed low-impact activity, the licensee must first have it approved by way of a programme of works in accordance with proposed Division 4.</li> </ul> <p>It will also be a condition of every miscellaneous licence that a relevant activity approved by way of a programme of works must be carried out in accordance with the approval. The new conditions will not apply:</p> <ul style="list-style-type: none"> <li>if the relevant activity has been approved by way of a mining proposal under proposed Division 4; or</li> <li>to a mining lease granted under, or held in connection with, a State Agreement.</li> </ul>

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<p>(4) A licensee is not required to comply with the condition referred to in subsection (2) or (3) in respect of a relevant activity that is —</p> <p>(a) proposed in a mining proposal relating to the miscellaneous licence and lodged in accordance with Division 4; and</p> <p>(b) approved under this Part.</p> <p>(5) It is a condition of every miscellaneous licence that, if a relevant activity on land the subject of the miscellaneous licence is approved under this Part, the licensee must not do the relevant activity on the land otherwise than in accordance with the approval.</p> <p>(6) If a miscellaneous licence is granted, or held, pursuant to a Government agreement, as defined in the GA Act section 2, in accordance with proposals approved, deemed to be approved or determined under the agreement, this section does not apply to the miscellaneous licence unless the agreement otherwise provides.</p>	<p><u>referred to in subsection (2) or (3) in respect of a relevant activity that is —</u></p> <p><u>(a) proposed in a mining proposal relating to the miscellaneous licence and lodged in accordance with Division 4; and</u></p> <p><u>(b) approved under this Part.</u></p> <p><u>(5) It is a condition of every miscellaneous licence that, if a relevant activity on land the subject of the miscellaneous licence is approved under this Part, the licensee must not do the relevant activity on the land otherwise than in accordance with the approval.</u></p> <p><u>(6) If a miscellaneous licence is granted, or held, pursuant to a Government agreement, as defined in the GA Act section 2, in accordance with proposals approved, deemed to be approved or determined under the agreement, this section does not apply to the miscellaneous licence unless the agreement otherwise provides.</u></p>	
<p><b>Division 3 — Mining proposals</b></p>	<p><u>Division 3 — Mining proposals</u></p>	<p>This Division sets out the notification and approval requirements that apply to mining operations and related activities. The provisions in the Division impose conditions on mining tenements preventing specified activities from being undertaken on particular tenement types until the holder has met requirements under proposed Division 4.</p>
<p><b>103AH. Conditions attached to mining leases</b></p> <p>(1) In this section —</p> <p><i>prescribed mining operations</i> means mining operations prescribed for the purposes of this definition; relevant activity, done on land the subject of a mining lease, means any of the following —</p> <p>(a) clearing on the land for the purposes of, or in preparation for, prescribed mining operations;</p> <p>(b) using machinery to disturb the surface of the land for the purposes of, or in preparation for, prescribed mining operations;</p> <p>(c) prescribed mining operations.</p> <p>(2) It is a condition of every mining lease that a relevant activity that is a low-impact activity must not be done by the lessee on land the subject of the mining lease until —</p> <p>(a) the lessee has given a notice of low-impact activity in respect of the relevant activity; or</p> <p>(b) the lessee has lodged a mining proposal in respect of the relevant activity in accordance with Division 4, and</p>	<p><u>103AH. Conditions attached to mining leases</u></p> <p><u>(1) In this section —</u></p> <p><u>prescribed mining operations means mining operations prescribed for the purposes of this definition; relevant activity, done on land the subject of a mining lease, means any of the following —</u></p> <p><u>(a) clearing on the land for the purposes of, or in preparation for, prescribed mining operations;</u></p> <p><u>(b) using machinery to disturb the surface of the land for the purposes of, or in preparation for, prescribed mining operations;</u></p> <p><u>(c) prescribed mining operations.</u></p> <p><u>(2) It is a condition of every mining lease that a relevant activity that is a low-impact activity must not be done by the lessee on land the subject of the mining lease until —</u></p> <p><u>(a) the lessee has given a notice of low-impact activity in respect of the relevant activity; or</u></p> <p><u>(b) the lessee has lodged a mining proposal in</u></p>	<p>This section sets out the notification and approval requirements for mining operations (and some associated activities) proposed to be carried out on a mining lease. (Section 103AF will apply to exploring for minerals carried out on a mining lease.)</p> <p>It will be a condition of every mining lease that a leaseholder who proposes to carry out prescribed mining operations, or clear land or use ground disturbing equipment for the purpose of carrying out such operations (a “relevant activity”):</p> <ul style="list-style-type: none"> <li>if the relevant activity is prescribed as a low-impact activity in regulations made under the new Part – the licensee must first either give a notice of low-impact activity in accordance with proposed Division 5, or have it approved by way of a mining proposal in accordance with proposed Division 4; or</li> <li>if the relevant activity is not a prescribed low-impact activity, the licensee must first have it approved by way of a mining proposal in accordance with proposed Division 4.</li> </ul> <p>It will also be a condition of every mining lease that a relevant activity approved by way of a mining proposal must be carried out in accordance with the approval.</p> <p>The new conditions will not apply to a mining lease granted under, or</p>

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<p><b>PART 2 - MINING ACT 1978 AMENDED</b></p> <p>the relevant activity is approved under this Part.</p> <p>(3) It is a condition of every mining lease that a relevant activity that is not a low-impact activity must not be done by the lessee on land the subject of the mining lease until the lessee has lodged a mining proposal in 19 respect of the relevant activity in accordance with Division 4, and the relevant activity is approved under this Part.</p> <p>(4) It is a condition of every mining lease that, if a relevant activity on land the subject of the lease is approved under this Part, the lessee must not do the relevant activity on the land otherwise than in accordance with the approval.</p> <p>(5) If a mining lease is granted, or held, pursuant to a Government agreement, as defined in the GA Act section 2, in accordance with proposals approved, deemed to be approved or determined under the agreement, this section does not apply to the mining lease unless the agreement otherwise provides.</p>	<p><a href="#">respect of the relevant activity in accordance with Division 4, and the relevant activity is approved under this Part.</a></p> <p><a href="#">(3) It is a condition of every mining lease that a relevant activity that is not a low-impact activity must not be done by the lessee on land the subject of the mining lease until the lessee has lodged a mining proposal in 19 respect of the relevant activity in accordance with Division 4, and the relevant activity is approved under this Part.</a></p> <p><a href="#">(4) It is a condition of every mining lease that, if a relevant activity on land the subject of the lease is approved under this Part, the lessee must not do the relevant activity on the land otherwise than in accordance with the approval.</a></p> <p><a href="#">(5) If a mining lease is granted, or held, pursuant to a Government agreement, as defined in the GA Act section 2, in accordance with proposals approved, deemed to be approved or determined under the agreement, this section does not apply to the mining lease unless the agreement otherwise provides.</a></p>	<p>held in connection with, a State Agreement.</p>
<p><b>103AI. Conditions attached to miscellaneous licences</b></p> <p>(1) In this section —</p> <p><i>prescribed mining operations</i> means mining operations prescribed for the purposes of this definition; relevant activity, done on land the subject of a miscellaneous licence, means any of the following —</p> <p>(a) clearing on the land for the purposes of, or in preparation for, prescribed mining operations;</p> <p>(b) using machinery to disturb the surface of the land for the purposes of, or in preparation for, prescribed mining operations;</p> <p>(c) prescribed mining operations.</p> <p>(2) It is a condition of every miscellaneous licence that a relevant activity that is a low-impact activity must not be done by the licensee on land the subject of the miscellaneous licence until —</p> <p>(a) the licensee has given a notice of low-impact activity in respect of the relevant activity; or</p> <p>(b) the licensee has lodged a mining proposal in respect of the relevant activity in accordance with Division 4, and the relevant activity is approved under this Part.</p> <p>(3) It is a condition of every miscellaneous licence that a relevant activity that is not a low-impact activity must not be done by the licensee on land the subject of the miscellaneous licence until the licensee has lodged a</p>	<p><b><a href="#">103AI. Conditions attached to miscellaneous licences</a></b></p> <p><a href="#">(1) In this section —</a></p> <p><a href="#">prescribed mining operations means mining operations prescribed for the purposes of this definition; relevant activity, done on land the subject of a miscellaneous licence, means any of the following —</a></p> <p><a href="#">(a) clearing on the land for the purposes of, or in preparation for, prescribed mining operations;</a></p> <p><a href="#">(b) using machinery to disturb the surface of the land for the purposes of, or in preparation for, prescribed mining operations;</a></p> <p><a href="#">(c) prescribed mining operations.</a></p> <p><a href="#">(2) It is a condition of every miscellaneous licence that a relevant activity that is a low-impact activity must not be done by the licensee on land the subject of the miscellaneous licence until —</a></p> <p><a href="#">(a) the licensee has given a notice of low-impact activity in respect of the relevant activity; or</a></p> <p><a href="#">(b) the licensee has lodged a mining proposal in respect of the relevant activity in accordance with Division 4, and the relevant activity is approved under this Part.</a></p> <p><a href="#">(3) It is a condition of every miscellaneous licence that a relevant activity that is not a low-impact activity must not be done by the licensee on land the subject of the</a></p>	<p>This section sets out the notification and approval requirements for mining operations (and some associated activities) proposed to be carried out on a miscellaneous licence lease. (Section [103AG] will apply to exploring for minerals carried out on a miscellaneous licence.)</p> <p>It will be a condition of every miscellaneous licence that a licensee who proposes to carry out prescribed mining operations, or clear land or use ground disturbing equipment for the purpose of carrying out such operations (a “relevant activity”):</p> <ul style="list-style-type: none"> <li>if the relevant activity is prescribed as a low-impact activity in regulations made under the new Part – the licensee must first either give a notice of low-impact activity in accordance with proposed Division 5, or have it approved by way of a mining proposal in accordance with proposed Division 4; or</li> <li>if the relevant activity is not a prescribed low-impact activity, the licensee must first have it approved by way of a mining proposal in accordance with proposed Division 4.</li> </ul> <p>It will also be a condition of every miscellaneous licence that a relevant activity approved by way of a mining proposal must be carried out in accordance with the approval.</p>

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<p>mining proposal in respect of the relevant activity in accordance with Division 4, and the relevant activity is approved under this Part.</p> <p>(4) It is a condition of every miscellaneous licence that, if a relevant activity on land the subject of the miscellaneous licence is approved under this Part, the licensee must not do the relevant activity on the land otherwise than in accordance with the approval.</p> <p>(5) If a miscellaneous licence is granted, or held, pursuant to a Government agreement, as defined in the <i>GA Act</i> section 2, in accordance with proposals approved, deemed to be approved or determined under the agreement, this section does not apply to the miscellaneous licence unless the agreement otherwise provides.</p>	<p><a href="#">miscellaneous licence until the licensee has lodged a mining proposal in respect of the relevant activity in accordance with Division 4, and the relevant activity is approved under this Part.</a></p> <p><a href="#">(4) It is a condition of every miscellaneous licence that, if a relevant activity on land the subject of the miscellaneous licence is approved under this Part, the licensee must not do the relevant activity on the land otherwise than in accordance with the approval.</a></p> <p><a href="#">(5) If a miscellaneous licence is granted, or held, pursuant to a Government agreement, as defined in the Government Agreements Act 1979 (GA Act) section 2, in accordance with proposals approved, deemed to be approved or determined under the agreement, this section does not apply to the miscellaneous licence unless the agreement otherwise provides.</a></p>	
<p><b>103AJ. Review of mine closure plans: condition attached to mining leases</b></p> <p>(1) In this section —</p> <p><i>commencement day</i> means the day of the coming into operation of the <i>MLA Act</i> section 36; former section 82A(2)(b) means section 82A(2)(b) as in force immediately before commencement day; relevant mining proposal, in relation to a mining lease, means a mining proposal in respect of activities —</p> <p>(a) on land the subject of the mining lease; and</p> <p>(b) approved under this Part.</p> <p>(2) It is a condition of every mining lease that the lessee must, in accordance with this section and Division 4 —</p> <p>(a) review the mine closure plan contained in a relevant mining proposal and lodge a reviewed mine closure plan; and</p> <p>(b) obtain the written approval of the reviewed mine closure plan from the Director General of Mines.</p> <p>(3) A mine closure plan contained in a relevant mining proposal must be reviewed and a reviewed mine closure plan lodged —</p> <p>(a) if the mining proposal accompanied the application for the mining lease under section 74(1)(ca), no later than 3 years after the mining lease is granted; or</p> <p>(b) if there was, immediately before commencement day, approval of the mining proposal as described in former section 82A(2)(b), no later than 3 years after the approval; or</p> <p>(c) in each other case, no later than 3 years after the day</p>	<p><b><a href="#">103AJ. Review of mine closure plans: condition attached to mining leases</a></b></p> <p><a href="#">(1) In this section —</a></p> <p><a href="#">commencement day means the day of the coming into operation of the Mining Legislation Amendment Act 2015 section 36; former section 82A(2)(b) means section 82A(2)(b) as in force immediately before commencement day; relevant mining proposal, in relation to a mining lease, means a mining proposal in respect of activities —</a></p> <p><a href="#">(a) on land the subject of the mining lease; and</a></p> <p><a href="#">(b) approved under this Part.</a></p> <p><a href="#">(2) It is a condition of every mining lease that the lessee must, in accordance with this section and Division 4 —</a></p> <p><a href="#">(a) review the mine closure plan contained in a relevant mining proposal and lodge a reviewed mine closure plan; and</a></p> <p><a href="#">(b) obtain the written approval of the reviewed mine closure plan from the Director General of Mines.</a></p> <p><a href="#">(3) A mine closure plan contained in a relevant mining proposal must be reviewed and a reviewed mine closure plan lodged —</a></p> <p><a href="#">(a) if the mining proposal accompanied the application for the mining lease under section 74(1)(ca), no later than 3 years after the mining lease is granted; or</a></p> <p><a href="#">(b) if there was, immediately before commencement day, approval of the mining proposal as described in former section 82A(2)(b), no later than 3 years after the approval; or</a></p>	<p>This section replaces repealed sections 82(1)(ga) and 84AA. It imposes a condition on every mining lease a mine closure plan (which is a required component of a mining proposal) must be periodically reviewed and approved, generally within three years of its first submission or most recent approval.</p>

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<p><b>PART 2 - MINING ACT 1978 AMENDED</b></p> <p>on which an activity proposed in the mining proposal is approved under this Part.</p> <p>(4) In addition to the requirement in subsection (3), a mine closure plan contained in a relevant mining proposal must be reviewed, and a reviewed mine closure plan lodged, no later than 3 years after its most recent review was approved.</p> <p>(5) The Director General of Mines may, by notice in writing to the lessee of a mining lease, extend the time by which a mine closure plan must be reviewed, and a reviewed mine closure plan lodged, under subsection (3) or (4).</p>	<p><u>(c) in each other case, no later than 3 years after the day on which an activity proposed in the mining proposal is approved under this Part.</u></p> <p><u>(4) In addition to the requirement in subsection (3), a mine closure plan contained in a relevant mining proposal must be reviewed, and a reviewed mine closure plan lodged, no later than 3 years after its most recent review was approved.</u></p> <p><u>(5) The Director General of Mines may, by notice in writing to the lessee of a mining lease, extend the time by which a mine closure plan must be reviewed, and a reviewed mine closure plan lodged, under subsection (3) or (4).</u></p>	
<p><b>103AK. Review of mine closure plans: condition attached to miscellaneous licences</b></p> <p>(1) In this section —</p> <p>relevant mining proposal, in relation to a miscellaneous licence, means a mining proposal in respect of activities —</p> <p>(a) on land the subject of the miscellaneous licence; and</p> <p>(b) approved under this Part.</p> <p>(2) It is a condition of every miscellaneous licence that the licensee must, in accordance with this section and Division 4 —</p> <p>(a) review the mine closure plan contained in a relevant mining proposal and lodge a reviewed mine closure plan; and</p> <p>(b) obtain the written approval of the reviewed mine closure plan from the Director General of Mines.</p> <p>(3) A mine closure plan contained in a relevant mining proposal must be reviewed, and a reviewed mine closure plan lodged, no later than 3 years after the day on which an activity proposed in the mining proposal is approved under this Part.</p> <p>(4) In addition to the requirement in subsection (3), a mine closure plan contained in a relevant mining proposal must be reviewed, and a reviewed mine closure plan lodged, no later than 3 years after its most recent review was approved.</p> <p><b>(5) The Director General of Mines may, by notice in writing</b></p>	<p><b><u>103AK.</u></b> <b><u>Review of mine closure plans: condition attached to miscellaneous licences</u></b></p> <p><u>(1) In this section —</u></p> <p><u>relevant mining proposal, in relation to a miscellaneous licence, means a mining proposal in respect of activities —</u></p> <p><u>(a) on land the subject of the miscellaneous licence; and</u></p> <p><u>(b) approved under this Part.</u></p> <p><u>(2) It is a condition of every miscellaneous licence that the licensee must, in accordance with this section and Division 4 —</u></p> <p><u>(a) review the mine closure plan contained in a relevant mining proposal and lodge a reviewed mine closure plan; and</u></p> <p><u>(b) obtain the written approval of the reviewed mine closure plan from the Director General of Mines.</u></p> <p><u>(3) A mine closure plan contained in a relevant mining proposal must be reviewed, and a reviewed mine closure plan lodged, no later than 3 years after the day on which an activity proposed in the mining proposal is approved under this Part.</u></p> <p><u>(4) In addition to the requirement in subsection (3), a mine closure plan contained in a relevant mining proposal must be reviewed, and a reviewed mine closure plan lodged, no later than 3 years after its most recent review was approved.</u></p>	<p><b>Proposed section 103AK (Review of mine closure plans: condition attached to miscellaneous licences)</b></p> <p>This section replaces repealed sections 82(1)(ga) and 84AA and extends their application to miscellaneous licences in relation to which a mining proposal is required due to the proposed new section 103AI. It imposes the requirement for every mining lease to have a mine closure plan (which is a required component of a mining proposal). The mine closure plan is required to be periodically reviewed and approved, generally within three years of its first submission or most recent approval.</p>

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<p>to the licensee, extend the time by which a mine closure plan must be reviewed, and a reviewed mine closure plan lodged, under subsection (3) or (4).</p>	<p><u>(5) The Director General of Mines may, by notice in writing to the licensee, extend the time by which a mine closure plan must be reviewed, and a reviewed mine closure plan lodged, under subsection (3) or (4).</u></p>	
<p><b>Division 4 — Programmes of work and mining 26 proposals: requirements and approvals</b></p>	<p><u>Division 4 — Programmes of work and mining 26 proposals: requirements and approvals</u></p>	<p>This proposed Division sets out the administrative and procedural matters applying to programmes of work and mining proposals required under Divisions 2 and 3.</p>
<p><b>103AL. Terms used In this Division —</b></p> <p><i>lodging party</i> means —</p> <p>(a) in relation to a programme of work lodged under section 103AO, the holder of a mining tenement who lodged the programme of work; or</p> <p>(b) in relation to a mining proposal lodged under section 103AP, the holder of a mining tenement who lodged the mining proposal;</p> <p><i>mining proposal</i> means a mining proposal —</p> <p>(a) accompanying an application for a mining lease under section 74(1)(ca); or</p> <p>(b) required in order to comply with a condition referred to in section 103AH or 103AI, or a notice under section 103AR(4); programme of work means a programme of work required in order to comply with a condition referred to in section 103AE, 103AF, 103AG, or a notice under section 103AR(2);</p> <p><i>proposed activity</i> —</p> <p>(a) in relation to a programme of work, means a relevant activity (as defined in section 103AE(1), 103AF(1) or 103AG(1)) proposed in the programme of work; and</p> <p>(b) in relation to a mining proposal, means a relevant activity (as defined in section 103AH(1) or 103AI(1)) proposed in the mining proposal.</p>	<p><u><b>103AL. Terms used In this Division —</b></u></p> <p><u><i>lodging party</i> means —</u></p> <p><u>(a) in relation to a programme of work lodged under section 103AO, the holder of a mining tenement who lodged the programme of work; or</u></p> <p><u>(b) in relation to a mining proposal lodged under section 103AP, the holder of a mining tenement who lodged the mining proposal;</u></p> <p><u><i>mining proposal</i> means a mining proposal —</u></p> <p><u>(a) accompanying an application for a mining lease under section 74(1)(ca); or</u></p> <p><u>(b) required in order to comply with a condition referred to in section 103AH or 103AI, or a notice under section 103AR(4); programme of work means a programme of work required in order to comply with a condition referred to in section 103AE, 103AF, 103AG, or a notice under section 103AR(2);</u></p> <p><u><i>proposed activity</i> —</u></p> <p><u>(a) in relation to a programme of work, means a relevant activity (as defined in section 103AE(1), 103AF(1) or 103AG(1)) proposed in the programme of work; and</u></p> <p><u>(b) in relation to a mining proposal, means a relevant activity (as defined in section 103AH(1) or 103AI(1)) proposed in the mining proposal.</u></p>	<p>This section defines terms used in Division 4.</p>
<p><b>103AM. Guidelines</b></p> <p>(1) The Director General of Mines may approve guidelines for the purposes of this Part.</p> <p>(2) Without limiting the matters that may be included in guidelines, they may —</p> <p>(a) require a programme of work, or a mining proposal, to identify <del>any of</del> the following —</p> <p>(i) clearing proposed to be done on land the subject</p>	<p><u><b>103AM. Guidelines</b></u></p> <p><u>(1) The Director General of Mines may approve guidelines for the purposes of this Part.</u></p> <p><u>(2) Without limiting the matters that may be included in guidelines, they may —</u></p> <p><u>(a) require a programme of work, or a mining proposal, to identify any of the following —</u></p> <p><u>(i) clearing proposed to be done on land the</u></p>	<p>This section empowers the Director General of Mines to make statutory guidelines governing the content of programmes of work and mining proposals, setting requirements as to the consultation to be undertaken by a mining tenement holder in respect of activities proposed in a programme of work or mining proposal, and requiring supporting documents to be submitted with a programme of work or mining proposal.</p> <p>The section continues in force and expands on the requirements of repealed subsections of section 70 and section 70P, and extends them to programmes of work. It also allows guidelines to be made in relation to the clearing of native vegetation proposed in a programme</p>

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<p>of a mining tenement;</p> <p>(ii) each type of native vegetation proposed to be cleared;</p> <p>(iii) the condition of the native vegetation proposed to be cleared;</p> <p>(iv) the biological significance of the native vegetation proposed to be cleared;</p> <p>(v) the likely environmental impacts resulting from the proposed clearing;</p> <p>(vi) the amount of land proposed to be cleared;</p> <p>(vii) the manner of the proposed clearing;</p> <p>(viii) the extent to which the proposed clearing would accord with or be inconsistent, or at variance, with the clearing principles set out in the <i>EP Act</i> Schedule 5;</p> <p>(ix) practicable measures proposed to be undertaken to manage clearing that will promote the rehabilitation and restoration of the land proposed to be cleared; and</p> <p>(b) require a programme of work, or a mining proposal, to identify the following —</p> <p>(i) the foreseeable risk of environmental harm resulting from a proposed activity;</p> <p>(ii) practicable measures proposed to be undertaken to avoid or minimise the risk of environmental harm resulting from a proposed activity; and</p> <p>(c) require the holder of a mining tenement to consult with persons likely to be affected by a proposed activity; and</p> <p>(d) require a programme of work, or a mining proposal, to demonstrate that any consultation required under the guidelines has been undertaken; and</p> <p>(e) require a programme of work, or a mining proposal, to be accompanied by a management plan, maps or any other documents or information.</p> <p>(3) The Director General of Mines must ensure that guidelines approved under this section are made available, without charge, for public inspection in the prescribed manner.</p>	<p><u>subject of a mining tenement;</u></p> <p><u>(ii) each type of native vegetation proposed to be cleared;</u></p> <p><u>(iii) the condition of the native vegetation proposed to be cleared;</u></p> <p><u>(iv) the biological significance of the native vegetation proposed to be cleared;</u></p> <p><u>(v) the likely environmental impacts resulting from the proposed clearing;</u></p> <p><u>(vi) the amount of land proposed to be cleared;</u></p> <p><u>(vii) the manner of the proposed clearing;</u></p> <p><u>(viii) the extent to which the proposed clearing would accord with or be inconsistent, or at variance, with the clearing principles set out in the <i>EP Act</i> Schedule 5;</u></p> <p><u>(ix) practicable measures proposed to be undertaken to manage clearing that will promote the rehabilitation and restoration of the land proposed to be cleared; and</u></p> <p><u>(b) require a programme of work, or a mining proposal, to identify the following —</u></p> <p><u>(i) the foreseeable risk of environmental harm resulting from a proposed activity;</u></p> <p><u>(ii) practicable measures proposed to be undertaken to avoid or minimise the risk of environmental harm resulting from a proposed activity; and</u></p> <p><u>(c) require the holder of a mining tenement to consult with persons likely to be affected by a proposed activity; and</u></p> <p><u>(d) require a programme of work, or a mining proposal, to demonstrate that any consultation required under the guidelines has been undertaken; and</u></p> <p><u>(e) require a programme of work, or a mining proposal, to be accompanied by a management plan, maps or any other documents or information.</u></p> <p><u>(3) The Director General of Mines must ensure that guidelines approved under this section are made available, without charge, for public inspection in the prescribed manner.</u></p>	<p>of work or mining proposal, to enable the environmental assessment of clearing on mining tenements otherwise than by way of the native vegetation clearing permit requirements of the <i>EP Act</i> .</p>
<b>103AN. Requirements as to form and content</b>	<b><u>103AN. Requirements as to form and content</u></b>	

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<p>(1) A programme of work must —</p> <p>(a) be in the form required by the guidelines; and</p> <p>(b) contain information of the kind required by the guidelines.</p> <p>(2) A mining proposal must —</p> <p>(a) be in the form required by the guidelines; and</p> <p>(b) contain information of the kind required by the guidelines; and</p> <p>(c) contain a mine closure plan that complies with subsection (3).</p> <p>(3) A mine closure plan referred to in subsection (2)(c) and section 103AT(1) must —</p> <p>(a) be in the form required by the guidelines; and</p> <p>(b) contain information of the kind required by the guidelines about the decommissioning of each proposed mine and the rehabilitation of land the subject of a mining tenement.</p>	<p><u>(1) A programme of work must —</u></p> <p><u>(a) be in the form required by the guidelines; and</u></p> <p><u>(b) contain information of the kind required by the guidelines.</u></p> <p><u>(2) A mining proposal must —</u></p> <p><u>(a) be in the form required by the guidelines; and</u></p> <p><u>(b) contain information of the kind required by the guidelines; and</u></p> <p><u>(c) contain a mine closure plan that complies with subsection (3).</u></p> <p><u>(3) A mine closure plan referred to in subsection (2)(c) and section 103AT(1) must —</u></p> <p><u>(a) be in the form required by the guidelines; and</u></p> <p><u>(b) contain information of the kind required by the guidelines about the decommissioning of each proposed mine and the rehabilitation of land the subject of a mining tenement.</u></p>	<p>This section requires programmes of work and mining proposal to be in the form, and contain information of the kind, required by guidelines made under section 103AM. It also requires mining proposals to contain mine closure plans.</p>
<p><b>103AO. Lodging and approving programmes of work</b></p> <p>(1) A programme of work must —</p> <p>(a) be lodged in the prescribed manner; and</p> <p>(b) be accompanied by the prescribed assessment fee.</p> <p>(2) Before the Director General of Mines has, under this section, approved or refused to approve proposed activities in a programme of work —</p> <p>(a) the lodging party may, with the written permission of the Director General of Mines, lodge a substitute programme of work; and</p> <p>(b) the Director General of Mines may, as he or she thinks fit, request the lodging party to lodge a substitute programme of work.</p> <p>(3) The proposed activities in a substitute programme of work must not be substantially different to the proposed activities in the programme of work it is intended to replace.</p> <p>(4) A substitute programme of work must be lodged in the prescribed manner.</p> <p>(5) Subject to subsection (6), the Director General of Mines may approve, or refuse to approve, a proposed activity in a programme of work.</p>	<p><b><u>103AO. Lodging and approving programmes of work</u></b></p> <p><u>(1) A programme of work must —</u></p> <p><u>(a) be lodged in the prescribed manner; and</u></p> <p><u>(b) be accompanied by the prescribed assessment fee.</u></p> <p><u>(2) Before the Director General of Mines has, under this section, approved or refused to approve proposed activities in a programme of work —</u></p> <p><u>(a) the lodging party may, with the written permission of the Director General of Mines, lodge a substitute programme of work; and</u></p> <p><u>(b) the Director General of Mines may, as he or she thinks fit, request the lodging party to lodge a substitute programme of work.</u></p> <p><u>(3) The proposed activities in a substitute programme of work must not be substantially different to the proposed activities in the programme of work it is intended to replace.</u></p> <p><u>(4) A substitute programme of work must be lodged in the prescribed manner.</u></p> <p><u>(5) Subject to subsection (6), the Director General of Mines may approve, or refuse to approve, a proposed activity</u></p>	<p>This section outlines the requirements for submitting programmes of work and substitute programmes of work, and enables a prescribed assessment fee to be charged. The ability to prescribe an assessment fee already exists in sections 46(aa)(iia), 63(aa)(iia), 70H(aa)(iia) and 82(1)(ca)(i). It provides for the Director General of Mines to approve or refuse to approve activities proposed in a programme of work, and sets out the matters to which the Director General must and may have regard when so deciding.</p>

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<p>(6) The Director General of Mines must not approve a proposed activity in a programme of work if, in his or her opinion, carrying out the activity in the manner proposed will have an unacceptable impact on the environment.</p> <p>(7) In deciding whether or not to approve a proposed activity in a programme of work, the Director General of Mines —</p> <p>(a) must have regard to the matters set out in section 103AQ(1); and</p> <p>(b) may have regard to other matters, including the effect the proposed activity may have on man-made structures on the land and the social, economic and cultural attributes of land; and</p> <p>(c) may request the lodging party to furnish such further information as the Director General of Mines may require for the purposes of making the decision.</p> <p>(8) An approval must be given in writing.</p> <p>(9) An approval takes effect when notice of it is given to the holder of the mining tenement.</p>	<p><a href="#">in a programme of work.</a></p> <p><a href="#">(6) The Director General of Mines must not approve a proposed activity in a programme of work if, in his or her opinion, carrying out the activity in the manner proposed will have an unacceptable impact on the environment.</a></p> <p><a href="#">(7) In deciding whether or not to approve a proposed activity in a programme of work, the Director General of Mines —</a></p> <p><a href="#">(a) must have regard to the matters set out in section 103AQ(1); and</a></p> <p><a href="#">(b) may have regard to other matters, including the effect the proposed activity may have on man-made structures on the land and the social, economic and cultural attributes of land; and</a></p> <p><a href="#">(c) may request the lodging party to furnish such further information as the Director General of Mines may require for the purposes of making the decision.</a></p> <p><a href="#">(8) An approval must be given in writing.</a></p> <p><a href="#">(9) An approval takes effect when notice of it is given to the holder of the mining tenement.</a></p>	
<p><b>103AP. Lodging and approving mining proposals</b></p> <p>(1) A mining proposal must —</p> <p>(a) be lodged in the prescribed manner; and</p> <p>(b) be accompanied by the prescribed assessment fee.</p> <p>(2) Before the Director General of Mines has, under this section, approved or refused to approve proposed activities in a mining proposal —</p> <p>(a) the lodging party may, with the written permission of the Director General of Mines, lodge a substitute mining proposal; and (b) the Director General of Mines may, as he or she thinks fit, request the lodging party to lodge a substitute mining proposal.</p> <p>(3) The proposed activities in a substitute mining proposal must not be substantially different to the proposed activities in the mining proposal it is intended to replace.</p> <p>(4) A substitute mining proposal must be lodged in the prescribed manner.</p> <p>(5) Subject to subsection (6), the Director General of Mines may approve, or refuse to approve, a proposed activity in a mining proposal.</p>	<p><b><a href="#">103AP. Lodging and approving mining proposals</a></b></p> <p><a href="#">(1) A mining proposal must —</a></p> <p><a href="#">(a) be lodged in the prescribed manner; and</a></p> <p><a href="#">(b) be accompanied by the prescribed assessment fee.</a></p> <p><a href="#">(2) Before the Director General of Mines has, under this section, approved or refused to approve proposed activities in a mining proposal —</a></p> <p><a href="#">(a) the lodging party may, with the written permission of the Director General of Mines, lodge a substitute mining proposal; and (b) the Director General of Mines may, as he or she thinks fit, request the lodging party to lodge a substitute mining proposal.</a></p> <p><a href="#">(3) The proposed activities in a substitute mining proposal must not be substantially different to the proposed activities in the mining proposal it is intended to replace.</a></p> <p><a href="#">(4) A substitute mining proposal must be lodged in the prescribed manner.</a></p> <p><a href="#">(5) Subject to subsection (6), the Director General of Mines</a></p>	<p>This section outlines the requirements for submitting mining proposals and substitute mining proposals, and enables a prescribed assessment fee to be charged. The ability to prescribe an assessment fee already exists in section 82A(2)(ba). The section provides for the Director General of Mines to approve or refuse to approve activities proposed in a mining proposal, and sets out the matters to which the Director General must and may have regard when so deciding.</p>

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<p>(6) The Director General of Mines must not approve a proposed activity in a mining proposal if, in his or her opinion, carrying out <del>of</del> the activity in the manner proposed will have an unacceptable impact on the environment.</p> <p>(7) In deciding whether or not to approve a proposed activity in a mining proposal, the Director General of Mines —</p> <p>(a) must have regard to the matters set out in section 103AQ(2); and</p> <p>(b) may have regard to other matters, including the effect the proposed activity may have on man-made structures on the land and the social, economic and cultural attributes of land; and</p> <p>(c) may request the lodging party to furnish such further information as he or she may require for the purposes of making the decision.</p> <p>(8) An approval must be in writing.</p> <p>(9) An approval takes effect when notice of it is given to the holder of the mining tenement.</p>	<p><u>may approve, or refuse to approve, a proposed activity in a mining proposal.</u></p> <p><u>(6) The Director General of Mines must not approve a proposed activity in a mining proposal if, in his or her opinion, carrying out of the activity in the manner proposed will have an unacceptable impact on the environment.</u></p> <p><u>(7) In deciding whether or not to approve a proposed activity in a mining proposal, the Director General of Mines —</u></p> <p><u>(a) must have regard to the matters set out in section 103AQ(2); and</u></p> <p><u>(b) may have regard to other matters, including the effect the proposed activity may have on man-made structures on the land and the social, economic and cultural attributes of land; and</u></p> <p><u>(c) may request the lodging party to furnish such further information as he or she may require for the purposes of making the decision.</u></p> <p><u>(8) An approval must be in writing.</u></p> <p><u>(9) An approval takes effect when notice of it is given to the holder of the mining tenement.</u></p>	
<p><b>103AQ. Matters to be considered when assessing 2 programmes of work or mining proposals</b></p> <p>(1) The matters referred to in section 103AO(7)(a) are —</p> <p>(a) the effect the proposed activity may have on the environment; and</p> <p>(b) if clearing is proposed in the programme of work, the extent to which it would accord with or be inconsistent, or at variance, with the clearing principles set out in the <i>EP Act</i> Schedule 5; and</p> <p>(c) whether the programme of work adequately identifies the foreseeable risk of environmental harm resulting from the proposed activity; and</p> <p>(d) whether the programme of work adequately identifies measures to be undertaken to avoid or minimise the risks referred to in paragraph (c).</p> <p>(2) The matters referred to in section 103AP(7)(a) are —</p> <p>(a) the effect the proposed activity may have on the environment; and</p> <p>(b) if the clearing is proposed in the mining proposal, the extent to which it would accord with or be</p>	<p><b><u>103AQ. Matters to be considered when assessing 2 programmes of work or mining proposals</u></b></p> <p><u>(1) The matters referred to in section 103AO(7)(a) are —</u></p> <p><u>(a) the effect the proposed activity may have on the environment; and</u></p> <p><u>(b) if clearing is proposed in the programme of work, the extent to which it would accord with or be inconsistent, or at variance, with the clearing principles set out in the <i>EP Act</i> Schedule 5; and</u></p> <p><u>(c) whether the programme of work adequately identifies the foreseeable risk of environmental harm resulting from the proposed activity; and</u></p> <p><u>(d) whether the programme of work adequately identifies measures to be undertaken to avoid or minimise the risks referred to in paragraph (c).</u></p> <p><u>(2) The matters referred to in section 103AP(7)(a) are —</u></p> <p><u>(a) the effect the proposed activity may have on the environment; and</u></p> <p><u>(b) if the clearing is proposed in the mining proposal, the extent to which it would accord with or be</u></p>	<p>This section sets out the matters that the Director General of Mines must consider when deciding whether or not to approve an activity proposed in a programme of work or mining proposal.</p>

Bill provision	Outcome	Comment
<p><b>PART 2 - MINING ACT 1978 AMENDED</b></p> <p>inconsistent, or <del>be</del> at variance, with the clearing principles set out in the <i>EP Act</i> Schedule 5; and</p> <p>(c) whether the mining proposal adequately identifies the foreseeable risk of environmental harm resulting from the proposed activity; and</p> <p>(d) whether the mining proposal adequately identifies measures to be undertaken to avoid or minimise the risks referred to in paragraph (c).</p>	<p><u>inconsistent, or be at variance, with the clearing principles set out in the <i>EP Act</i> Schedule 5; and</u></p> <p><u>(c) whether the mining proposal adequately identifies the foreseeable risk of environmental harm resulting from the proposed activity; and</u></p> <p><u>(d) whether the mining proposal adequately identifies measures to be undertaken to avoid or minimise the risks referred to in paragraph (c).</u></p>	
<p><b>103AR. Director General of Mines may require revised programme of work or mining proposal to be lodged</b></p> <p>(1) Subsection (2) applies if —</p> <p>(a) a proposed activity in a programme of work is approved under this Part; and</p> <p>(b) the Director General of Mines is of the opinion that the risk of environmental harm from carrying out the activity in the manner proposed in the programme of work is significantly different to any previous assessment of that risk.</p> <p>(2) If this subsection applies, the Director General of Mines may, by notice in writing given to the holder of the mining tenement to which the programme of work relates, require the holder to lodge, in the time and in the manner directed in the notice, a revised programme of work.</p> <p>(3) Subsection (4) applies if —</p> <p>(a) a proposed activity in a mining proposal is approved under this Part; and</p> <p>(b) the Director General of Mines is of the opinion that the risk of environmental harm from carrying out the activity in the manner proposed in the mining proposal is significantly different to any previous assessment of that risk.</p> <p>(4) If this subsection applies, the Director General of Mines may, by notice in writing given to the <b>lessee holder</b> of the mining <b>lease tenement</b> to which the mining proposal relates, require the <b>lessee holder</b> to lodge, in the time and in the manner directed in the notice, a revised mining proposal.</p>	<p><b><u>103AR.</u></b> <u>Director General of Mines may require revised programme of work or mining proposal to be lodged</u></p> <p><u>(1) Subsection (2) applies if —</u></p> <p><u>(a) a proposed activity in a programme of work is approved under this Part; and</u></p> <p><u>(b) the Director General of Mines is of the opinion that the risk of environmental harm from carrying out the activity in the manner proposed in the programme of work is significantly different to any previous assessment of that risk.</u></p> <p><u>(2) If this subsection applies, the Director General of Mines may, by notice in writing given to the holder of the mining tenement to which the programme of work relates, require the holder to lodge, in the time and in the manner directed in the notice, a revised programme of work.</u></p> <p><u>(3) Subsection (4) applies if —</u></p> <p><u>(a) a proposed activity in a mining proposal is approved under this Part; and</u></p> <p><u>(b) the Director General of Mines is of the opinion that the risk of environmental harm from carrying out the activity in the manner proposed in the mining proposal is significantly different to any previous assessment of that risk.</u></p> <p><u>(4) If this subsection applies, the Director General of Mines may, by notice in writing given to the lessee holder of the mining lease tenement to which the mining proposal relates, require the lessee holder to lodge, in the time and in the manner directed in the notice, a revised mining proposal.</u></p>	<p>This section empowers the Director General of Mines to require a tenement holder to submit a revised programme of work or mining proposal in respect of an activity previously approved under the new Part if the Director General considers the risk of environmental harm from carrying out the activity has significantly changed since the original approval was given.</p>
<p><b>103AS. Replacement or change of approvals under this Part</b></p> <p>(1) An approval under this Part of a proposed activity in a programme of work may be replaced, or have its 4 operation affected, by another approval under this Part.</p>	<p><b><u>103AS.</u></b> <u>Replacement or change of approvals under this Part</u></p> <p><u>(1) An approval under this Part of a proposed activity in a programme of work may be replaced, or have its 4 operation affected, by another approval under this Part.</u></p>	<p>This section allows a subsequent approval to replace or change an earlier approval</p>

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(2) An approval under this Part of a proposed activity in a mining proposal may be replaced, or have its operation affected, by another approval under this Part.	<u>(2) An approval under this Part of a proposed activity in a mining proposal may be replaced, or have its operation affected, by another approval under this Part.</u>	
<p><b>103AT. Lodging reviewed mine closure plans and approvals</b></p> <p>(1) A reviewed mine closure plan required in order to comply with the condition referred to in section 103AJ(2) or 103AK(2) —</p> <p>(a) must be lodged in the prescribed manner; and</p> <p>(b) must comply with section 103AN(3).</p> <p>(2) On receipt of a reviewed mine closure plan lodged in accordance with this section, the Director General of Mines may approve, or refuse to approve, the reviewed mine closure plan.</p>	<p><u><b>103AT. Lodging reviewed mine closure plans and approvals</b></u></p> <p><u>(1) A reviewed mine closure plan required in order to comply with the condition referred to in section 103AJ(2) or 103AK(2) —</u></p> <p><u>(a) must be lodged in the prescribed manner; and</u></p> <p><u>(b) must comply with section 103AN(3).</u></p> <p><u>(2) On receipt of a reviewed mine closure plan lodged in accordance with this section, the Director General of Mines may approve, or refuse to approve, the reviewed mine closure plan.</u></p>	This section provides for the lodgement and approval of a mine closure plan following its required periodic review.
<b>Division 5 — Low-impact activities</b>	<u>Division 5 — Low-impact activities</u>	<p><b>Proposed Division 5 – Low-impact activities</b></p> <p>This Division sets out the requirements for carrying out prescribed low-impact activities where those activities have not been approved by way of a programme of works or mining proposal.</p>
<p><b>103AU. Giving notice of low-impact activity and notice of completion of low-impact activity</b></p> <p>(1) A notice of low-impact activity required in order to comply with the condition referred to in section 103AE(2), 103AF(2), 103AG(2), 103AH(2) or 103AI(2) —</p> <p>(a) must be given to the Director General of Mines within the time, and in the manner and form, prescribed; and</p> <p>(b) must specify the nature and extent of the proposed low-impact activity.</p> <p>(2) The holder of a mining tenement who gives notice of a proposed low-impact activity under this Part must, on completing the activity, give the Director General of Mines notice of the fact in accordance with subsection (3).</p> <p>(3) A notice under subsection (2) must be given within the time, and in the manner and form, prescribed.</p>	<p><u><b>103AU. Giving notice of low-impact activity and notice of completion of low-impact activity</b></u></p> <p><u>(1) A notice of low-impact activity required in order to comply with the condition referred to in section 103AE(2), 103AF(2), 103AG(2), 103AH(2) or 103AI(2) —</u></p> <p><u>(a) must be given to the Director General of Mines within the time, and in the manner and form, prescribed; and</u></p> <p><u>(b) must specify the nature and extent of the proposed low-impact activity.</u></p> <p><u>(2) The holder of a mining tenement who gives notice of a proposed low-impact activity under this Part must, on completing the activity, give the Director General of Mines notice of the fact in accordance with subsection (3).</u></p> <p><u>(3) A notice under subsection (2) must be given within the time, and in the manner and form, prescribed.</u></p>	This section requires proponents to notify the Director General of Mines when a low-impact activity is proposed to be undertaken, and again when the activity has been completed.
<b>103AV. When prescribed requirements for carrying out low-impact activities must be followed</b>	<u><b>103AV. When prescribed requirements for carrying out low-impact activities must be followed</b></u>	Under this section, it is a condition of every mining tenement that the tenement holder must only carry out a low-impact activity in

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<p>(1) It is a condition of every mining tenement that the 11 holder of the mining tenement must not carry out a low-impact activity on land the subject of the mining tenement otherwise than in accordance with the prescribed requirements for carrying out that low-impact activity.</p> <p>(2) The holder of a mining tenement is not required to comply with subsection (1) in respect of the carrying out of a low-impact activity that —</p> <p>(a) is a proposed activity in a programme of work, or a proposed activity in a mining proposal, relating to the tenement; and</p> <p>(b) is approved under this Part.</p> <p>(3) Subsection (1) does not affect the obligation the holder of a mining tenement may have to comply with a condition referred to in section 103AE(4), 103AF(5), 103AG(5), 103AH(4) or 103AI(4) in relation to the carrying out of a low-impact activity.</p>	<p><a href="#">(1) It is a condition of every mining tenement that the 11 holder of the mining tenement must not carry out a low-impact activity on land the subject of the mining tenement otherwise than in accordance with the prescribed requirements for carrying out that low-impact activity.</a></p> <p><a href="#">(2) The holder of a mining tenement is not required to comply with subsection (1) in respect of the carrying out of a low-impact activity that —</a></p> <p><a href="#">(a) is a proposed activity in a programme of work, or a proposed activity in a mining proposal, relating to the tenement; and</a></p> <p><a href="#">(b) is approved under this Part.</a></p> <p><a href="#">(3) Subsection (1) does not affect the obligation the holder of a mining tenement may have to comply with a condition referred to in section 103AE(4), 103AF(5), 103AG(5), 103AH(4) or 103AI(4) in relation to the carrying out of a low-impact activity.</a></p>	<p>accordance with prescribed requirements in respect of that activity, unless the activity has already been approved through a programme of work or a mining proposal.</p>
<p><b>Division 6 — Other conditions</b></p>	<p><a href="#">Division 6 — Other conditions</a></p>	<p>This Division enables conditions relating to the prevention, reduction and remediation of environmental harm to be placed on mining tenements. It also imposes conditions for relating to a general environmental duty and requiring an environmental management system on mining leases.</p>
<p><b>103AW. Conditions for preventing, reducing or remediating environmental harm and for other purposes</b></p> <p>(1) Reasonable conditions may be imposed on a mining tenement for the following purposes —</p> <p>(a) preventing, reducing or remediating environmental harm on land the subject of the mining tenement or other land;</p> <p>(b) preventing or reducing the impact of mining on man-made structures or works on land the subject of the mining tenement or other land, or remediating such structures or works;</p> <p>(c) preventing or reducing the impact of mining on the statutory or public purposes for which land to which section A applies is reserved or managed, or remediating such land.</p> <p>(2) A condition may be imposed under subsection (1) —</p> <p>(a) in the case of a prospecting licence —</p> <p>(i) by the mining registrar, or the warden, on the granting of the licence; or</p> <p>(ii) by the Minister on the granting of the licence or at any subsequent time; and</p>	<p><a href="#">103AW. Conditions for preventing, reducing or remediating environmental harm and for other purposes</a></p> <p><a href="#">(1) Reasonable conditions may be imposed on a mining tenement for the following purposes —</a></p> <p><a href="#">(a) preventing, reducing or remediating environmental harm on land the subject of the mining tenement or other land;</a></p> <p><a href="#">(b) preventing or reducing the impact of mining on man-made structures or works on land the subject of the mining tenement or other land, or remediating such structures or works;</a></p> <p><a href="#">(c) preventing or reducing the impact of mining on the statutory or public purposes for which land to which section A applies is reserved or managed, or remediating such land.</a></p> <p><a href="#">(2) A condition may be imposed under subsection (1) —</a></p> <p><a href="#">(a) in the case of a prospecting licence —</a></p> <p><a href="#">(i) by the mining registrar, or the warden, on the granting of the licence; or</a></p> <p><a href="#">(ii) by the Minister on the granting of the licence or at any subsequent time; and</a></p>	<p>This section allows reasonable conditions to be imposed on a mining tenement for the purposes of preventing, reducing or remediating environmental harm. The section substantially re-enacts sections 46A, 63AA, 70I and 84 of the Mining Act, which are being repealed.</p> <p>It will also allow conditions to be placed on a mining tenement on a reserve to which section A applies for purposes related to the statutory or public purposes for which the land is reserved or managed.</p>

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<p>(b) in any other case, by the Minister on the granting of the mining tenement or at any subsequent time.</p> <p>(3) A condition imposed under subsection (1) may be cancelled or varied by the Minister at any time.</p> <p>(4) A condition imposed under subsection (1) may, either in full or with sufficient particularity as to identify the recommendation or other source from which it derives, be endorsed on the mining tenement, for which purpose the holder of the mining tenement must produce the mining tenement on demand.</p> <p>(5) Whether or not a condition imposed under subsection (1) is endorsed on the mining tenement, on 6 notice of the imposition of the condition being given in writing to the holder of the mining tenement, the condition has effect for all purposes as a condition to which the tenement is subject.</p>	<p><u>(b) in any other case, by the Minister on the granting of the mining tenement or at any subsequent time.</u></p> <p><u>(3) A condition imposed under subsection (1) may be cancelled or varied by the Minister at any time.</u></p> <p><u>(4) A condition imposed under subsection (1) may, either in full or with sufficient particularity as to identify the recommendation or other source from which it derives, be endorsed on the mining tenement, for which purpose the holder of the mining tenement must produce the mining tenement on demand.</u></p> <p><u>(5) Whether or not a condition imposed under subsection (1) is endorsed on the mining tenement, on 6 notice of the imposition of the condition being given in writing to the holder of the mining tenement, the condition has effect for all purposes as a condition to which the tenement is subject.</u></p>	
<p><b>103AX. Conditions relating to mining operations within specified distance of natural surface of land</b></p> <p>Without limiting section 103AW(1), a condition may be imposed under that section <u>for the purpose of</u> preventing mining operations being carried out within such distance of the natural surface of land the subject of a mining tenement as is specified in the condition.</p>	<p><b><u>103AX.</u></b> <u>Conditions relating to mining operations within specified distance of natural surface of land</u></p> <p><u>Without limiting section 103AW(1), a condition may be imposed under that section for the purpose of preventing mining operations being carried out within such distance of the natural surface of land the subject of a mining tenement as is specified in the condition.</u></p>	<p>This section allows for conditions be imposed under proposed section 103AX(1) to prevent mining operations being carried out within a specified distance of the natural surface of land. It replaces section 84(2) of the Mining Act, which is being repealed.</p>
<p><b>103AY. Conditions relating to clearing of native vegetation</b></p> <p>(1) Without limiting section 103AW(1), a condition imposed under that section —</p> <p>(a) may be for the purpose of preventing, reducing or remediating environmental harm from clearing or offsetting the loss of cleared vegetation; and</p> <p>(b) may require the holder of a mining tenement to establish and maintain native vegetation on land, other than land cleared by the holder, to offset the loss of the cleared vegetation; and</p> <p>(c) may require the holder of a mining tenement to make monetary contributions to a fund maintained for the purpose of establishing or maintaining native vegetation on any land.</p> <p>(2) In imposing a condition under section 103AW(1) in relation to clearing, the Minister, warden or registrar (as the case may be) must have regard to the extent to which the proposed clearing would accord with or be inconsistent, or at variance, with the clearing principles set out in the <i>EP Act</i> Schedule 5.</p>	<p><b><u>103AY.</u></b> <u>Conditions relating to clearing of native vegetation</u></p> <p><u>(1) Without limiting section 103AW(1), a condition imposed under that section —</u></p> <p><u>(a) may be for the purpose of preventing, reducing or remediating environmental harm from clearing or offsetting the loss of cleared vegetation; and</u></p> <p><u>(b) may require the holder of a mining tenement to establish and maintain native vegetation on land, other than land cleared by the holder, to offset the loss of the cleared vegetation; and</u></p> <p><u>(c) may require the holder of a mining tenement to make monetary contributions to a fund maintained for the purpose of establishing or maintaining native vegetation on any land.</u></p> <p><u>(2) In imposing a condition under section 103AW(1) in relation to clearing, the Minister, warden or registrar (as the case may be) must have regard to the extent to which the proposed clearing would accord with or be inconsistent, or at variance, with the clearing principles set out in the EP Act Schedule 5.</u></p>	<p>This section provides for the imposition of conditions under proposed section 103AX specific to the clearing of native vegetation, including the ability to apply an offset requirement.</p>

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<p><b>103AZA. Conditions relating to monitoring and reporting of operations and environmental harm</b></p> <p>Without limiting section 103AW(1), a condition imposed under that section may require the holder of a mining tenement to monitor operations (including remediation and offset operations) or environmental harm, conduct analysis of monitoring data, and provide reports on monitoring data, and analysis of it, to the Director General of Mines.</p>	<p><b>103AZA.</b> <a href="#">Conditions relating to monitoring and reporting of operations and environmental harm</a></p> <p><a href="#">Without limiting section 103AW(1), a condition imposed under that section may require the holder of a mining tenement to monitor operations (including remediation and offset operations) or environmental harm, conduct analysis of monitoring data, and provide reports on monitoring data, and analysis of it, to the Director General of Mines.</a></p>	<p>This section allows for conditions to be imposed requiring tenement holders to monitor operations, analyse monitoring data and report on that monitoring to the Director General of Mines.</p>
<p><b>103AZB. Security for compliance with conditions for preventing, reducing or remediating environmental harm</b></p> <p>(1) The Minister may require the holder of a mining tenement to lodge a security for compliance with any condition imposed on the mining tenement under section 103AW(1).</p> <p>(2) A security referred to in subsection (1) —</p> <p>(a) must be lodged in the prescribed manner and within such period as the Minister specifies in writing; and</p> <p>(b) is subject to the provisions of section 126.</p>	<p><b>103AZB.</b> <a href="#">Security for compliance with conditions for preventing, reducing or remediating environmental harm</a></p> <p><a href="#">(1) The Minister may require the holder of a mining tenement to lodge a security for compliance with any condition imposed on the mining tenement under section 103AW(1).</a></p> <p><a href="#">(2) A security referred to in subsection (1) —</a></p> <p><a href="#">(a) must be lodged in the prescribed manner and within such period as the Minister specifies in writing; and</a></p> <p><a href="#">(b) is subject to the provisions of section 126.</a></p>	<p>This section allows the Minister to impose a security (bond) on tenement holders for compliance with a condition imposed on the tenement under section 103AX. This section substantially re-enacts sections 52(1a) and (2), 60(1a) and (2), 70F(2) and (3) and 84A(2) and (3) of the Mining Act, which are being repealed.</p>
<p><b>Sections 103AZC and 103AZD inserted</b></p> <p>At the end of Part IVAA as inserted by section 46 insert:</p> <p><b>103AZC. Environmental management systems</b></p> <p>(1) In this section —</p> <p><i>environmental management system</i>, in relation to carrying out mining operations on land the subject of a mining lease or a miscellaneous licence, means a system of procedures and practices relating to —</p> <p>(a) the identification and assessment of the risk of environmental harm occurring as a result of the carrying out of the mining operations; and</p> <p>(b) the implementation of practicable measures to avoid or minimise the risk of such environmental harm occurring, or reduce such environmental harm if it occurs.</p> <p>(2) It is a condition of every mining lease that the lessee —</p> <p>(a) must maintain an environmental management system in relation to the carrying out of mining operations on land the subject of the mining lease at all times while an approval of those operations is in effect under this Part; and</p> <p>(b) must ensure that the environmental management</p>	<p><b>103AZC. Environmental management systems</b></p> <p><a href="#">(1) In this section —</a></p> <p><a href="#">environmental management system, in relation to carrying out mining operations on land the subject of a mining lease or a miscellaneous licence, means a system of procedures and practices relating to —</a></p> <p><a href="#">(a) the identification and assessment of the risk of environmental harm occurring as a result of the carrying out of the mining operations; and</a></p> <p><a href="#">(b) the implementation of practicable measures to avoid or minimise the risk of such environmental harm occurring, or reduce such environmental harm if it occurs.</a></p> <p><a href="#">(2) It is a condition of every mining lease that the lessee —</a></p> <p><a href="#">(a) must maintain an environmental management system in relation to the carrying out of mining operations on land the subject of the mining lease at all times while an approval of those operations is in effect under this Part; and</a></p> <p><a href="#">(b) must ensure that the environmental management</a></p>	<p>Proposed section 103AZC will make it a condition of every mining lease and miscellaneous licence that the tenement holder must maintain an environmental management system in respect of mining operations approved under the new Part, and must ensure that the system is kept current. The new condition will not apply to a mining tenement that is granted under or held in connection with a State Agreement.</p>

Bill provision	Outcome	Comment
<p><b>PART 2 - MINING ACT 1978 AMENDED</b></p> <p>system is reviewed and revised as and when necessary to ensure that, at any time, it is relevant to operations and operating conditions on the land at that time.</p> <p>(3) It is a condition of every miscellaneous licence that the licensee —</p> <p>(a) must maintain an environmental management system in relation to the carrying out of the mining operations on land the subject of the miscellaneous licence at all times while an approval of those operations is in effect under this Part; and</p> <p>(b) must ensure that the environmental management system is reviewed and revised as and when necessary to ensure that, at any time, it is relevant to operations and operating conditions on the land at that time.</p> <p>(4) An environmental management system must deal with matters that the guidelines require it to deal with but may also deal with other matters.</p> <p>(5) The obligations under this section of the holder of a mining tenement, may be affected by directions given by an inspector under regulations referred to in section 162(2)(aa)(xv).</p> <p>(6) If a mining lease or miscellaneous licence is granted, or held, pursuant to a Government agreement, as defined in the <i>GA Act</i> section 2, in accordance with proposals approved, deemed to be approved or determined under the agreement, this section does not apply to the mining lease or miscellaneous licence unless the agreement otherwise provides.</p>	<p><u>system is reviewed and revised as and when necessary to ensure that, at any time, it is relevant to operations and operating conditions on the land at that time.</u></p> <p><u>(3) It is a condition of every miscellaneous licence that the licensee —</u></p> <p><u>(a) must maintain an environmental management system in relation to the carrying out of the mining operations on land the subject of the miscellaneous licence at all times while an approval of those operations is in effect under this Part; and</u></p> <p><u>(b) must ensure that the environmental management system is reviewed and revised as and when necessary to ensure that, at any time, it is relevant to operations and operating conditions on the land at that time.</u></p> <p><u>(4) An environmental management system must deal with matters that the guidelines require it to deal with but may also deal with other matters.</u></p> <p><u>(5) The obligations under this section of the holder of a mining tenement, may be affected by directions given by an inspector under regulations referred to in section 162(2)(aa)(xv).</u></p> <p><u>(6) If a mining lease or miscellaneous licence is granted, or held, pursuant to a Government agreement, as defined in the GA Act section 2, in accordance with proposals approved, deemed to be approved or determined under the agreement, this section does not apply to the mining lease or miscellaneous licence unless the agreement otherwise provides.</u></p>	
<p><b>103AZD. Duty to prevent or reduce environmental harm</b></p> <p>(1) It is a condition of every mining lease that, if mining operations on land the subject of the mining lease are approved under this Part, the lessee must, in carrying out the mining operations, take all reasonable and practicable measures to avoid or minimise the risk of environmental harm occurring as a result of the mining operations.</p> <p>(2) A lessee is taken to have complied with the condition referred to in subsection (1) in respect of mining operations carried out in accordance with an environmental management system —</p> <p>(a) relating to the mining lease; and</p> <p>(b) kept and reviewed by the lessee in accordance with section 103AZC.</p> <p>(3) It is a condition of every miscellaneous licence that, if mining operations on land the subject of the miscellaneous licence</p>	<p><b><u>103AZD. Duty to prevent or reduce environmental harm</u></b></p> <p><u>(2) A lessee is taken to have complied with the condition referred to in subsection (1) in respect of mining operations carried out in accordance with an environmental management system —</u></p> <p><u>(a) relating to the mining lease; and</u></p> <p><u>(b) kept and reviewed by the lessee in accordance with section 103AZC.</u></p> <p><u>(3) It is a condition of every miscellaneous licence that, if mining operations on land the subject of the miscellaneous licence are approved under this Part, the licensee must, in carrying out the mining operations, take all reasonable and practicable measures to avoid or minimise the risk of environmental harm occurring as a result of the mining operations.</u></p> <p><u>(4) A licensee is taken to have complied with the condition</u></p>	<p>Proposed section 103AZD will make it a condition of every mining lease and miscellaneous licence that the lessee must take all reasonable and practicable measures to avoid or minimise the risk of environmental harm occurring as a result of mining operations approved under the new Part. Where mining operations are carried out in accordance with an environmental management system under proposed section 103AZC, the lessee or licensee will be taken to have complied with the condition.</p> <p>These provisions will be inserted in new Part IVAA two years after the commencement of the rest of the provisions in that Part.</p>

Bill provision	Outcome	Comment
<p><b>PART 2 - MINING ACT 1978 AMENDED</b></p> <p>are approved under this Part, the licensee must, in carrying out the mining operations, take all reasonable and practicable measures to avoid or minimise the risk of environmental harm occurring as a result of the mining operations.</p> <p>(4) A licensee is taken to have complied with the condition referred to in subsection (3) in respect of mining operations carried out in accordance with an environmental management system —</p> <p>(a) relating to the miscellaneous licence; and</p> <p>(b) kept and reviewed by the licensee in accordance with section 103AZC.</p> <p>(5) This section does not affect —</p> <p>(a) the obligations the lessee of a mining lease may have to comply with any condition imposed on the mining lease under section 103AW(1); or</p> <p>(b) the obligations the holder of a miscellaneous licence may have to comply with any condition imposed on the miscellaneous licence under section 103AW(1).</p>	<p><u>referred to in subsection (3) in respect of mining operations carried out in accordance with an environmental management system —</u></p> <p><u>(a) relating to the miscellaneous licence; and</u></p> <p><u>(b) kept and reviewed by the licensee in accordance with section 103AZC.</u></p> <p><u>(5) This section does not affect —</u></p> <p><u>(a) the obligations the lessee of a mining lease may have to comply with any condition imposed on the mining lease under section 103AW(1); or</u></p> <p><u>(b) the obligations the holder of a miscellaneous licence may have to comply with any condition imposed on the miscellaneous licence under section 103AW(1).</u></p>	
<p><b>Section 114B amended</b></p> <p>(1) In section 114B:</p> <p>(a) delete “The expiry, surrender” and insert:</p> <p style="padding-left: 40px;">The expiry, surrender in whole or in part</p> <p>(b) in paragraphs (a) and (b) delete “tenement; or” and insert:</p> <p style="padding-left: 40px;">tenement or, in the case of a surrender in part, the part of the mining tenement that was surrendered; or</p> <p>(c) in paragraph (c) delete “tenement.” and insert:</p> <p style="padding-left: 40px;">tenement or, in the case of a surrender in part, the part of the mining tenement that was surrendered.</p>	<p><b>114B. Continuation of liability after expiry, surrender or forfeiture of mining tenement</b></p> <p><u>The expiry, surrender in whole or in part</u> <del>The expiry, surrender</del> or forfeiture of a mining tenement does not affect the liability of the person who was the holder of the mining tenement immediately before its expiry, surrender or forfeiture —</p> <p>(a) to pay any rent, fee, royalty, penalty, or other money on any other account, payable on or before the date of expiry, surrender or forfeiture under or in relation to the mining <u>tenement or, in the case of a surrender in part, the part of the mining tenement that was surrendered;</u> <del>or tenement; or</del></p> <p>(b) to comply with any obligation imposed on or before that date under or in relation to the mining <u>tenement or, in the case of a surrender in part, the part of the mining tenement that was surrendered;</u> <del>or tenement; or</del></p> <p>(c) for any act done or default made on or before that date under or in relation to the mining <u>tenement or, in the case of a surrender in part, the part of the mining tenement that was surrendered.</u> <del>tenement.</del></p>	<p>This clause amends section 114B to make it clear that the obligations maintained in force by the section apply where a tenement is partially surrendered.</p>
<p><b>Section 126 amended</b></p> <p>In section 126(1):</p> <p>(a) delete “section 26, 52, 60, 70F or 84A —” and insert:</p>	<p><b>126. Securities (extract only)</b></p> <p>(1) A security referred to in <u>section 26, 52(1), 60(1), 70F(1), 84A(1) or 103AZB(1) —</u> <del>section 26, 52, 60, 70F or 84A —</del></p>	<p>Section 126, which contains general provisions relating to securities on tenements, is extended to apply to securities imposed by way of proposed new section 103AZB.</p>

Bill provision	Outcome	Comment
<p><b>PART 2 - MINING ACT 1978 AMENDED</b></p> <p>section 26, 52(1), 60(1), 70F(1), 84A(1) or 103AZB(1) —</p> <p>(b) in paragraph (a)(i) delete “section 26, 52(1a), 60(1a), 70F(2) or 84A(2),” and insert:</p> <p>section 26 or 103AZB(1),</p>	<p>(a) shall be for such amount —</p> <p>(i) in the case of a security referred to in <a href="#">section 26 or 103AZB(1)</a>, <del>section 26, 52(1a), 60(1a), 70F(2) or 84A(2)</del>, as the Minister in a particular case approves (including any variation of that amount under subsection (1a)); or</p> <p>(ii) in the case of a security referred to in section 52(1), 60(1), 70F(1) or 84A(1), as is prescribed;</p> <p>and</p> <p>(b) shall be in the prescribed form or such other form as the Minister in a particular case approves; and</p> <p>(c) may, subject to the approval of the Minister, be by bond or such other method as the Minister allows, or be partly by bond and partly by such other method as the Minister allows.</p>	
<p><b>Section 156 amended</b></p> <p>In section 156(1):</p> <p>(a) in paragraph (b) before “resists” insert:</p> <p>hinders,</p> <p>(b) in paragraph (b)(i) before “officer” insert:</p> <p>inspector or other</p>	<p><b>156. 156. Offences (extract only)</b></p> <p>(1) A person who —</p> <p>(a) takes or removes from the mining tenement of any other person any mineral or other mining product without the authority of that other person; or</p> <p>(b) assaults, obstructs, <a href="#">hinders</a>, resists or insults —</p> <p>(i) any warden or any <a href="#">inspector or other</a> officer of the Department; or</p>	<p>Section 156 deals with offences under <i>the Act</i>. This clause revises section 156 to make it an offence to hinder a warden, department officer, inspector or other person carrying out functions under <i>the Act</i>.</p>
<p><b>Section 158 amended</b></p> <p>(1) Delete section 158(2) and (3) and insert:</p> <p>(2) If a requirement is made under subsection (1), a person who —</p> <p>(a) refuses or fails to comply with the requirement; Or</p> <p>(b) obstructs or hinders the person making the requirement; or</p> <p>(c) knowingly misleads or deceives the person making the requirement, commits an offence. Penalty: a fine of \$10 000.</p> <p>(3) If a person who makes a requirement under subsection (1) is not satisfied with any evidence or explanation given pursuant to a requirement made under that subsection, the person may orally or by notice in writing direct the person</p>	<p><b>158. 158. Power to require information as to right to mine (extract only)</b></p> <p><a href="#">(2) If a requirement is made under subsection (1), a person who —</a></p> <p><a href="#">(a) refuses or fails to comply with the requirement; or</a></p> <p><a href="#">(b) obstructs or hinders the person making the requirement; or</a></p> <p><a href="#">(c) knowingly misleads or deceives the person making the requirement, commits an offence. Penalty: a fine of \$10 000.</a></p> <p><a href="#">(3) If a person who makes a requirement under subsection (1) is not satisfied with any evidence or explanation given pursuant to a requirement made under that subsection, the person may orally or by notice in writing direct the person</a></p>	<p>Subclause (1) redrafts section 158, which deals with the functions of authorised officers and members of the Police Force in respect of requiring information about possible unauthorised mining on land. The amendments correct some inconsistencies in the terms used in the section as it is currently drafted.</p> <p>Subclause (2) removes subsection (5) as it is no longer required.</p> <p>Subclause (3) adds new subsection (7) to provide that section 158 does not limit the effect or operation of any regulations relating to dealing with mining without authority or enforcement action that may be taken by inspectors.</p>

Bill provision	Outcome	Comment
<p><b>PART 2 - MINING ACT 1978 AMENDED</b></p> <p>to whom the requirement is made to cease mining on the land referred to in the direction.</p> <p>(2) In section 158(4) delete “request” and insert: direction</p> <p>(3) Delete section 158(5).</p> <p>(4) After section 158(6) insert:</p> <p>(7) Nothing in this section limits or otherwise affects —</p> <p>(a) the effect or operation of regulations relating to the administration and enforcement of the provisions of this Act relating to mining on land without authority under this Act; or</p> <p>(b) the performance by inspectors appointed under section 11 of functions conferred on them by the regulations.</p>	<p><a href="#">requirement is made to cease mining on the land referred to in the direction.</a></p> <p><del>(2) A person who —</del></p> <p><del>(a) upon request made under subsection (1) refuses or fails to comply with the request; or</del></p> <p><del>(b) obstructs or hinders the person making the request; or</del></p> <p><del>(c) knowingly misleads or deceives the person making the request, commits an offence. Penalty: \$10 000.</del></p> <p><del>(3) Where a person who is authorised to make a request under subsection (1) is not satisfied with any evidence or explanation given to him in pursuance of a request made under that subsection he may orally or by notice in writing direct the person to whom the request is made to cease mining on the land referred to in the direction.</del></p> <p>(4) A person who refuses or neglects to comply with a <a href="#">direction</a> <del>request</del> under subsection (3) commits an offence. Penalty: \$10 000.</p> <p><del>[(5) deleted]</del></p> <p><del>(5) Where the person to whom a request is made under subsection (3) refuses or neglects to comply with the direction given under that subsection, the person giving the direction may use such force as is necessary to remove the person from the land and stop and remove any machinery being used for the purpose of mining on the land using such assistance as is necessary for that purpose.</del></p> <p>(6) A person who commits an offence under subsection (2) or (4) may be arrested without a warrant.</p> <p><a href="#">(7) Nothing in this section limits or otherwise affects —</a></p> <p><a href="#">(a) the effect or operation of regulations relating to the administration and enforcement of the provisions of this Act relating to mining on land without authority under this Act; or</a></p> <p><a href="#">(b) the performance by inspectors appointed under section 11 of functions conferred on them by the regulations.</a></p>	
<p><b>Section 162 amended</b></p> <p>(1) In section 162(1) delete “he” and insert: the Governor</p>	<p><b>162. 162. Regulations (extracts only)</b></p> <p>(1) The Governor may make such regulations as are contemplated by this Act, or as <a href="#">the Governor</a> <del>he</del> deems necessary or expedient for the purposes of</p>	<p>This section relates to the power to make regulations to support the Act. Subclause (1) removes the gender-specific “he” and inserts “Governor”.</p>

Bill provision	Outcome	Comment
<b>PART 2 - MINING ACT 1978 AMENDED</b>		
<p>(2) In section 162(2):</p> <p>(a) delete paragraph (aa)(i) to (iii) and insert:</p> <p>(i) to enter upon land where the inspector has reason to suspect that mining operations are or have been carried out for the purpose of ascertaining whether those mining operations are or were carried out with authority under this Act;</p> <p>(ii) to give directions to a person requiring the person to cease mining operations carried out without authority under this Act;</p> <p>(iii) to enter upon land on which there is a mining tenement for the purpose of inspecting mining operations;</p> <p>(iv) to give directions to the holder of a mining tenement requiring the holder to modify or cease mining operations in prescribed circumstances;</p> <p>(v) when entering land, to take with the inspector such persons, equipment and materials as the inspector considers appropriate;</p> <p>(vi) to conduct such examination and inquiry as the inspector considers necessary to ascertain whether the provisions of this Act have been and are being complied with in respect of mining operations;</p> <p>(vii) to take and remove samples of any substance or thing whatsoever at a mine without paying for them;</p> <p>(viii) to take possession of any plant, equipment or other thing for further examination or testing or for use as evidence;</p> <p>(ix) to take photographs and measurements, and make sketches and recordings;</p> <p>(x) to require the production of, examine, and take copies of or extracts from, any document;</p> <p>(xi) to interview any person who the inspector has reasonable grounds to believe may be able to provide information relevant to a matter about which the inspector is inquiring and to record the interview with or without the person's consent;</p> <p>(xii) to require the attendance of any person for an interview referred to in subparagraph (xi);</p> <p>(xiii) to require any person whom the inspector interviews as referred to in subparagraph (xi) to answer any question put to that person;</p> <p>(xiv) to require any person to state his or her name</p>	<p>this Act and any such regulations may confer upon a prescribed person or body specified in the regulations a discretionary authority.</p> <p>(2) Without limiting the generality of the powers conferred by subsection (1) those regulations may —</p> <p>(a) prescribe and regulate the powers, functions and duties of wardens, mining registrars and of any officer or other person appointed under this Act or employed or acting in the administration of this Act;</p> <p><u>(i) to enter upon land where the inspector has reason to suspect that mining operations are or have been carried out for the purpose of ascertaining whether those mining operations are or were carried out with authority under this Act;</u></p> <p><u>(ii) to give directions to a person requiring the person to cease mining operations carried out without authority under this Act;</u></p> <p><u>(iii) to enter upon land on which there is a mining tenement for the purpose of inspecting mining operations;</u></p> <p><u>(iv) to give directions to the holder of a mining tenement requiring the holder to modify or cease mining operations in prescribed circumstances;</u></p> <p><u>(v) when entering land, to take with the inspector such persons, equipment and materials as the inspector considers appropriate;</u></p> <p><u>(vi) to conduct such examination and inquiry as the inspector considers necessary to ascertain whether the provisions of this Act have been and are being complied with in respect of mining operations;</u></p> <p><u>(vii) to take and remove samples of any substance or thing whatsoever at a mine without paying for them;</u></p> <p><u>(viii) to take possession of any plant, equipment or other thing for further examination or testing or for use as evidence;</u></p> <p><u>(ix) to take photographs and measurements, and make sketches and recordings;</u></p> <p><u>(x) to require the production of, examine,</u></p>	<p>Subclause (2) (a) - (d) set out new regulation-making powers in respect of inspectors' powers. Specifically, it will be possible to make regulations:</p> <ul style="list-style-type: none"> <li>relating to inspectors' powers, including an ability to enter land, give directions, undertake enquiries, remove samples, take possession of any plant or equipment for examination or testing, take photographs, and require any documents; and</li> <li>allowing an inspector to require any person to be interviewed, and providing for an interview to be conducted in private in specified circumstances;</li> <li>allowing an inspector to give directions to a tenement holder to require the tenement holder to develop, revise, deal with matters in and to provide information about an environmental management system.</li> </ul> <p>Subclause (2)(e) – (k) enable regulations to be made dealing with the resolution of disputes about tenement boundaries, including regulations concerning tenement survey dispute resolution and confirming that that pegs or other identifying marks on the ground are the primary indicators of a tenement's position.</p> <p>Paragraph (g) adds new paragraphs (oa) and (ob) to subsection 162(2) to allow regulations to be made requiring a tenement holder to notify the Director General of Mines of the occurrence of prescribed incidents relating to environmental harm, and to provide environmental reports (which are currently Annual Environmental Reports).</p>

Bill provision	Outcome	Comment
<p><b>PART 2 - MINING ACT 1978 AMENDED</b></p>		
<p>and address;</p> <p>(b) after paragraph (aa)(xiv) as inserted by paragraph (a) insert:</p> <p>(xv) to give directions to the holder of a mining tenement —</p> <p>(I) specifying the time within which the holder of the mining tenement is to prepare or revise an environmental management system under section 103AZC; or</p> <p>(II) requiring the holder of the 25 mining tenement to deal with 26 specific matters in an 27 environmental management system maintained under section 103AZC; or</p> <p>(III) requiring the holder of the mining tenement to provide information about an environmental management system maintained under 1 section 103AZC and allow the inspector to examine it and take copies of or extracts from any document that forms part of it;</p> <p>(c) in paragraph (ab) delete “paragraph (aa)(iii) and insert:</p> <p>paragraph (aa)(iv)</p> <p>(d) after paragraph (ab) insert:</p> <p>(ac) provide for an interview referred to in paragraph (aa)(xi) to be conducted in private in circumstances specified in the regulations;</p> <p>(e) in paragraph (ka)(iii) delete “pegs” insert:</p> <p>pegs, marks or poles</p> <p>(f) after paragraph (ka) insert:</p> <p>(la) without limiting paragraph (ka), provide for the resolution of uncertainty or disputes as to the location of the boundaries of tenements;</p> <p>(lb) without limiting paragraph (ka) or (la), provide that any peg, survey peg, mark, post, cairn of stones or pole purporting to indicate the boundary of a tenement is to be taken to do so unless the contrary is shown;</p> <p>(g) after paragraph (n) insert: (oa) provide for recording and reporting to the Director General of Mines by the holder of a mining tenement prescribed incidents that pose, or are likely to pose, a risk of environmental harm (as defined in section 103AA);</p> <p>(ob) provide for the lodging with the Director General of Mines by the holder of a mining tenement an environmental report in respect of mining operations carried out during a prescribed period;</p>	<p><u>and take copies of or extracts from, any document;</u></p> <p><u>(xi) to interview any person who the inspector has reasonable grounds to believe may be able to provide information relevant to a matter about which the inspector is inquiring and to record the interview with or without the person’s consent;</u></p> <p><u>(xii) to require the attendance of any person for an interview referred to in subparagraph (x);</u></p> <p><u>(xiii) to require any person whom the inspector interviews as referred to in subparagraph (x) to answer any question put to that person;</u></p> <p><u>(xiv) to require any person to state his or her name and address;</u></p> <p><u>(xv) to give directions to the holder of a mining tenement —</u></p> <p><u>(I) specifying the time within which the holder of the mining tenement is to prepare or revise an environmental management system under section 103AZC; or</u></p> <p><u>(II) requiring the holder of the mining tenement to deal with specific matters in an environmental management system maintained under section 103AZC; or</u></p> <p><u>(III) requiring the holder of the mining tenement to provide information about an environmental management system maintained under section 103AZC and allow the inspector to examine it and take copies of or extracts from any document that forms part of it;</u></p> <p><del>(aa) authorise an inspector appointed under section 41—</del></p> <p><del>(i) to enter upon land where mining operations are carried out for the purpose of inspecting those mining operations;</del></p> <p><del>(ii) to require any person to provide the inspector with prescribed information relating to mining operations;</del></p> <p><del>(iii) to give directions to the holder of a mining tenement requiring the holder to modify or cease mining operations in</del></p>	

Bill provision	Outcome	Comment
<p><b>PART 2 - MINING ACT 1978 AMENDED</b></p>	<p style="text-align: center;"><del>prescribed circumstances;</del></p> <p>(ab) provide for an appeal to the Minister by the holder of a mining tenement against a direction referred to in <a href="#">paragraph (aa)(iv)</a> <del>paragraph (aa)(iii)</del> requiring the holder to cease mining operations;</p> <p><a href="#">(ac) provide for an interview referred to in paragraph (aa)(xi) to be conducted in private in circumstances specified in the regulations;</a></p> <p>(2) 1 Without limiting the generality of the powers conferred by subsection (1) those regulations may —</p> <p>(ka) provide for any matter relating to the surveying of mining tenements, including —</p> <p>(iii) the hearing by the warden of disputes arising during the course of that surveying concerning the positions of <a href="#">pegs, marks or poles</a> <del>pegs</del> or otherwise, or of objections to the survey of a mining tenement or of land the subject of an application for a mining tenement, and the determination by the Minister of those disputes or objections;</p> <p><a href="#">(la) without limiting paragraph (ka), provide for the resolution of uncertainty or disputes as to the location of the boundaries of tenements;</a></p> <p><a href="#">(lb) without limiting paragraph (ka) or (la), provide that any peg, survey peg, mark, post, cairn of stones or pole purporting to indicate the boundary of a tenement is to be taken to do so unless the contrary is shown;</a></p> <p><a href="#">(oa) provide for recording and reporting to the Director General of Mines by the holder of a mining tenement prescribed incidents that pose, or are likely to pose, a risk of environmental harm (as defined in section 103AA);</a></p> <p><a href="#">(ob) provide for the lodging with the Director General of Mines by the holder of a mining tenement an environmental report in respect of mining operations carried out during a prescribed period;</a></p>	
<p><b>Second Schedule amended</b></p> <p>After Second Schedule Division 2 insert:</p> <p style="padding-left: 40px;">Division 3 — Provisions relating to <i>Mining Legislation Amendment Act 2015</i></p> <p>20. Term used: commencement day</p> <p>In this Division —</p> <p style="padding-left: 40px;"><i>commencement day</i> means the day of the coming into operation of the Mining Legislation Amendment Act 2015</p>	<p><b>20. Second Schedule — Transitional provisions [s. 4]</b></p> <p><a href="#">Division 3 — Provisions relating to the <i>Mining Legislation Amendment Act 2015</i></a></p> <p><a href="#">20. Term used: <i>commencement day</i></a></p> <p><a href="#">In this Division —</a></p> <p><a href="#">commencement day means the day on which the Mining Legislation Amendment Act 2015 section [#] comes into</a></p>	<p>This Division inserts a new Division 3 into the Second Schedule of <i>the Act</i> containing transitional provisions consequent on the amendment of the proposed new Act.</p> <p>Proposed clause 20 – defines “<i>commencement day</i>” for the purposes of the new transitional provisions as the day section 46 of that Act (which inserts proposed new Part IVAA) comes into operation.</p>

Bill provision	Outcome	Comment
<b>PART 2 - MINING ACT 1978 AMENDED</b>		
<p>section 46.</p>	<p><a href="#">operation.</a></p>	
<p>21. Continuation of conditions for prevention or reduction of injury to land</p> <p>(1) In this clause —</p> <p><i>former provision means</i></p> <p>(a) section 46A as in force immediately before commencement day; or</p> <p>(b) section 63AA as in force immediately before commencement day; or</p> <p>(c) section 70I as in force immediately before commencement day; or</p> <p>(d) section 84 as in force immediately before commencement day.</p> <p>(2) A condition that was, immediately before commencement day, imposed on the holder of a mining tenement under a former provision has effect, on and from commencement day, as if it were a condition imposed on the mining tenement under section 103AW(1) whether or not it is a condition of a kind that, on or after commencement day, could be imposed on the tenement under section 103AW(1).</p>	<p>21.</p> <p><b><a href="#">Continuation of conditions for prevention or reduction of injury to land</a></b></p> <p><a href="#">(1) In this clause — former provision means</a></p> <p><a href="#">(a) section 46A as in force immediately before commencement day; or</a></p> <p><a href="#">(b) section 63AA as in force immediately before commencement day; or</a></p> <p><a href="#">(c) section 70I as in force immediately before commencement day; or</a></p> <p><a href="#">(d) section 84 as in force immediately before commencement day.</a></p> <p><a href="#">(2) A condition that was, immediately before commencement day, imposed on the holder of a mining tenement under a former provision is, on and from commencement day —</a></p> <p><a href="#">(a) no longer imposed on the holder of the mining tenement; and</a></p> <p><a href="#">(b) to be taken to be a condition imposed on the mining tenement under section 103AX(1).</a></p>	<p><u>Proposed clause 21-</u> provides that conditions imposed for the prevention or reduction of injury to land under provisions that are removed or repealed by the <i>Amendment Act</i> no longer apply but are taken to be conditions imposed under new section 103AW.</p>
<p>22. Continuation of securities</p> <p>(1) In this clause — <i>former provision means</i></p> <p>(a) section 52(1a) as in force immediately before commencement day; or</p> <p>(b) section 60(1a) as in force immediately before commencement day; or</p> <p>(c) section 70F(2) as in force immediately before commencement day; or</p> <p>(d) section 84A(2) as in force immediately before commencement day.</p> <p>(2) A security that was, immediately before commencement day, required to be lodged by the holder of a mining tenement under a former provision is, on and from commencement day, to be taken to be a security required to be lodged by the holder of the mining tenement under section 103AZB(1).</p>	<p>22.</p> <p><b><a href="#">Continuation of securities</a></b></p> <p><a href="#">(1) In this clause — former provision means</a></p> <p><a href="#">(a) section 52(1a) as in force immediately before commencement day; or</a></p> <p><a href="#">(b) section 60(1a) as in force immediately before commencement day; or</a></p> <p><a href="#">(c) section 70F(2) as in force immediately before commencement day; or</a></p> <p><a href="#">(d) section 84A(2) as in force immediately before commencement day.</a></p> <p><a href="#">(2) A security that was, immediately before commencement day, required to be lodged by the holder of a mining tenement under a former provision is, on and from commencement day, to be taken to be a security required to be lodged by the tenement holder under section 103AZB(1).</a></p>	<p><u>Proposed clause 22-</u> provides that securities lodged in respect of requirements under provisions that are removed or repealed by this <i>Amendment Act</i> are taken to be securities lodged in respect of requirements under new section 103AZB.</p>
<p><b>23. Transitional provisions for programmes of work</b></p> <p>(1) In this clause —</p> <p><i>existing undetermined programme of work means a programme</i></p>	<p>23.</p> <p><b><a href="#">23. Transitional provisions for programmes of work</a></b></p> <p><a href="#">(1) In this clause —</a></p> <p><a href="#">existing undetermined programme of work means a</a></p>	<p><u>Proposed clause 23</u> – has the effect that a programme of work lodged and not yet determined, or approved, under provisions that are removed or repealed by this <i>Amendment Act</i> are taken to be a programme of work lodged or approved under new Part IVAA, as the case may be.</p>

Bill provision	Outcome	Comment
<p><b>PART 2 - MINING ACT 1978 AMENDED</b></p> <p>of work that —</p> <p>(a) was lodged before commencement day in accordance with a former provision; and</p> <p>(b) was not, before commencement day, approved or refused to be approved as described in that former provision;</p> <p><i>former provision means —</i></p> <p>(a) section 46(aa) as in force immediately before commencement day; or</p> <p>(b) section 63(aa) as in force immediately before commencement day; or</p> <p>(c) section 70H(1)(aa) as in force immediately before commencement day; or</p> <p>(d) section 82(1)(ca) as in force immediately before commencement day; previously approved programme of work means a programme of work referred to in a former provision for which there was, immediately before commencement day, approval as described in that former provision.</p> <p>(2) On and from commencement day —</p> <p>(a) a previously approved programme of work is to be taken to be a programme of work lodged in accordance with Part IVAA Division 4; and</p> <p>(b) an activity proposed in a previously approved programme of work is to be taken to be approved under Part IVAA.</p> <p>(3) On and from commencement day, an existing undetermined programme of work —</p> <p>(a) is to be taken to be a programme of work lodged in accordance with Part IVAA Division 4; and</p> <p>(b) is to be dealt with by the Director General of Mines in accordance with Part IVAA Division 4.</p>	<p><u>programme of work that —</u></p> <p><u>(a) was lodged before commencement day in accordance with a former provision; and</u></p> <p><u>(b) was not, before commencement day, approved or refused to be approved as prescribed in that former section; former provision means —</u></p> <p><u>(a) section 46(aa)(ii) as in force immediately before commencement day; or</u></p> <p><u>(b) section 63(aa)(ii) as in force immediately before commencement day; or</u></p> <p><u>(c) section 70H(1)(aa)(ii) as in force immediately before commencement day; or</u></p> <p><u>(d) section 82(1)(ca)(ii) as in force immediately before commencement day; previously approved programme of work means a programme of work referred to in a former provision for which there was, immediately before commencement day, approval as described in that former provision.</u></p> <p><u>(2) On and from commencement day —</u></p> <p><u>(a) a previously approved programme of work is to be taken to be a programme of work lodged in accordance with Part VIAA Division 4; and</u></p> <p><u>(b) an activity proposed in a previously approved programme of work is to be taken to be approved under Part VIAA.</u></p> <p><u>(3) On and from commencement day, an existing undetermined programme of work —</u></p> <p><u>(a) is to be taken to be a programme of work lodged in accordance with Part VIAA Division 4; and</u></p> <p><u>(b) is to be dealt by the Director General of Mines in accordance with Part VIAA Division 4.</u></p>	
<p><b>24. Transitional provisions for mining proposals</b></p> <p>(1) In this clause —</p> <p><i>existing undetermined mining proposal means —</i></p> <p>(a) a mining proposal that accompanied, under section 74(1)(ca), the application for a mining lease that was made, but not finally determined, before commencement day; or</p> <p>(b) a mining proposal that was lodged before commencement day in accordance with former section 82A and was not, before commencement day, approved or</p>	<p><b>24.</b></p> <p><b><u>24. Transitional provisions for mining proposals</u></b></p> <p><u>(1) In this clause — existing undetermined mining proposal means —</u></p> <p><u>(a) a mining proposal that accompanied, under section 74(1)(ca), the application for a mining lease that was made, but not finally determined, before commencement day; or</u></p> <p><u>(b) a mining proposal that was lodged before commencement day in accordance</u></p>	<p>Proposed clause 24– has the effect that:</p> <ul style="list-style-type: none"> <li>○ a mining proposal lodged under the <i>Mining Act</i>, but not yet determined before the commencement date, is taken to have been lodged under new Part IVAA; and</li> <li>○ for six years following the commencement date, an approval given in respect of a mining proposal before the commencement date is taken to have been given under new Part IVAA.</li> </ul>

Bill provision	Outcome	Comment
<b>PART 2 - MINING ACT 1978 AMENDED</b>		
<p>refused to be approved as described in former section 82A; former section 82A means section 82A as in force immediately before commencement day;</p> <p><i>previously approved mining proposal</i> means —</p> <p>(a) a mining proposal that accompanied, under section 74(1)(ca), the application for a mining lease that was granted before commencement day; or</p> <p>(b) a mining proposal for which there was, immediately before commencement day, approval as described in former section 82A;</p> <p><i>transition period</i> means the period beginning on commencement day and ending 6 years after that day.</p> <p>(2) During the transition period —</p> <p>(a) a previously approved mining proposal is to be taken to be a mining proposal lodged in accordance with Part IVAA Division 4; and</p> <p>(b) the mining operations proposed in a previously approved mining proposal are to be taken to be approved under Part IVAA.</p> <p>(3) On and from commencement day, an existing undetermined mining proposal —</p> <p>(a) is to be taken to be a mining proposal lodged in accordance with Part IVAA Division 4; and</p> <p>(b) is to be dealt by the Director General of Mines in accordance with Part IVAA Division 4.</p>	<p><u>with former section 82A and was not, before commencement day, approved or refused to be approved as described in that former section.</u></p> <p><u>former section 82A means section 82A as in force immediately before commencement day;</u></p> <p><u>previously approved mining proposal</u> means —</p> <p><u>(a) a mining proposal that accompanied, under section 74(1)(ca), the application for a mining lease that was granted before commencement day; or</u></p> <p><u>(b) a mining proposal for which there was, immediately before commencement day, approval as described in section 82A(2)(b) (as that section was in force immediately before commencement day).</u></p> <p><u>transition period means the period beginning on commencement day and ending 6 years after that day.</u></p> <p><u>(2) During the transition period —</u></p> <p><u>(a) a previously approved mining proposal is to be taken to be a mining proposal lodged in accordance Part VIAA Division 4; and</u></p> <p><u>(b) the mining operations proposed in a previously approved mining proposal are to be taken to be approved under Part VIAA.</u></p> <p><u>(3) On and from commencement day, an existing undetermined mining proposal —</u></p> <p><u>(a) is to be taken to be a mining proposal lodged in accordance with Part VIAA Division 4; and</u></p> <p><u>(b) is to be dealt by the Director General of Mines in accordance with Part VIAA Division 4.</u></p>	

Bill provision	Outcome	Comment
<b>PART 3 – MINING LEGISLATION AMENDMENT ACT 2014 - AMENDED</b>		
54	<b>Act amended</b>  This Part amends the <i>Mining Legislation Amendment Act 2014</i> .	This Part amends the <i>MLA Act 2014</i> .
55	<b>Section 8 deleted</b>	<b>8 Various references to “a prescribed official” amended</b>  This section repeals an amendment to the reference to “prescribed official” in some sections of <i>the Act</i> that was to have been made on

Delete section 8.	<p>In the provisions listed in the Table delete “a prescribed official” (each occurrence) and insert:</p> <p>the Director General of Mines</p> <p style="text-align: center;"><b>Table</b></p> <table border="1" data-bbox="1032 275 1798 491"> <tr> <td>s. 46(aa)(ii)<sup>a</sup></td> <td>s. 63(aa)(ii)<sup>a</sup></td> </tr> <tr> <td>s. 70H(1)(aa)(ii)<sup>a</sup></td> <td>s. 82(1)<sup>a</sup></td> </tr> <tr> <td>s. 84AA<sup>a</sup></td> <td><sup>a</sup></td> </tr> </table>	s. 46(aa)(ii) <sup>a</sup>	s. 63(aa)(ii) <sup>a</sup>	s. 70H(1)(aa)(ii) <sup>a</sup>	s. 82(1) <sup>a</sup>	s. 84AA <sup>a</sup>	<sup>a</sup>	the commencement of section 8 of the <i>Mining Legislation Amendment Act 2014</i> . The need for this amendment has been superseded by the inclusion of new Part IVAA into the <i>Mining Act 1978</i> .
s. 46(aa)(ii) <sup>a</sup>	s. 63(aa)(ii) <sup>a</sup>							
s. 70H(1)(aa)(ii) <sup>a</sup>	s. 82(1) <sup>a</sup>							
s. 84AA <sup>a</sup>	<sup>a</sup>							

Bill provision	Outcome	Comment
<b>PART 4 – ENVIRONMENTAL PROTECTION ACT 1986 AMENDED</b>		
<b>56 Act amended</b> This Part amends the <i>EP Act</i> .		This Part amends the <i>EP Act</i> .
<b>57 Schedule 6 amended</b> After Schedule 6 item 14 insert: 15. Clearing that is — (a) a proposed activity in a programme of work or a mining proposal, within the meaning of the <i>Mining Act 1978</i> , and approved under Part IVAA of that Act; and (b) done in accordance with that approval. 16. Clearing that is — (a) required for the purposes of carrying out a low-impact activity, as defined in <i>the Act</i> section 103AA, in respect of which a notice of low-impact activity has been given under Part IVAA of that Act; and (b) done in accordance with the requirements of 20 Part IVAA of that Act.	<b>Schedule 6 – Clearing for which a clearing permit is not required</b> <u>15. Clearing that is —</u> <u>(a) a proposed activity in a programme of work or a mining proposal, within the meaning of the <i>Mining Act 1978</i>, and approved under Part IVAA of that Act; and</u> <u>(b) done in accordance with that approval.</u> <u>16. Clearing that is —</u> <u>(a) required for the purposes of carrying out a low-impact activity, as defined in <i>the Act</i> section 103AA, in respect of which a notice of low-impact activity has been given under Part IVAA of that Act; and</u> <u>(b) done in accordance with the requirements of 20 Part IVAA of that Act.</u>	This section amends Schedule 6 to the <i>EP Act</i> so that when native vegetation clearing is approved under new Part IVAA of the <i>Act</i> , it does not require a separate clearing permit under the <i>EP Act</i> .

Bill provision	Outcome	Comment
<b>PART 5 — MINING REHABILITATION FUND ACT 2012 AMENDED</b>		
<b>58 Act amended</b> This Part amends the <i>MRF Act</i> .		This Part amends the <i>MRF Act</i> .
<b>59 Section 3 amended</b> (1) In section 3 insert in alphabetical order: <i>register</i> means the register kept under <i>the Act</i> section 103F.	<b>3. Terms Used (extract only)</b> <i>record</i> means any document or record of information, irrespective of how the information is recorded or stored or able to be recovered and includes —	

Bill provision	Outcome	Comment
<b>PART 5 — MINING REHABILITATION FUND ACT 2012 AMENDED</b>		
<p>(2) In section 3 in the definition of record paragraph (b) delete “means.” and insert:</p> <p>means;</p>	<p>(a) any thing from which images, sounds or writings can be reproduced, with or without the aid of anything else; and</p> <p>(b) any thing on which information is recorded or stored, whether electronically, magnetically, mechanically or by some other <del>means;</del><del>(means)</del>.</p> <p><u>register means the register kept under the Act section 103F</u></p>	<p>A new term of “register” is being added to mean the register kept under the Act.</p>
<p><b>60 Section 12 amended</b></p> <p>(1) In section 12:</p> <p>(a) delete “holder of the mining authorisation” and insert: person who,</p> <p>(b) delete “year.” and insert:</p> <p>year, is shown on the register as the holder of the mining authorisation.</p>	<p><b>12. Liability for payment of levy</b></p> <p>The person liable to pay the levy in respect of a mining authorisation in a particular year is the <del>person who, holder of the mining authorisation</del> on the day prescribed for the purposes of section 15(2) in that <u>year is shown on the register as the holder of the mining authorisation (year)</u>.</p>	<p>Section 12 of the <i>MRF Act</i> is amended to make it clear that the person liable to pay the mining rehabilitation levy under that Act in respect of a mining tenement is the person shown as the holder of the tenement on the register on the prescribed day.</p>
<p><b>61 Section 15 amended</b></p> <p>Delete section 15(2) and insert:</p> <p>(2) The person who, on the prescribed day in a year, is shown on the register as the holder of a mining authorisation must, on or before that day, give to the CEO assessment information in the form and manner approved by the CEO. Penalty: a fine of \$20 000.</p>	<p><b>15. Authorisation holder required to provide assessment information</b></p> <p><u>(2) The person who, on the prescribed day in a year, is shown on the register as the holder of a mining authorisation must, on or before that day, give to the CEO assessment information in the form and manner approved by the CEO. Penalty: a fine of \$20 000.</u></p> <p><del>(2) — The holder of a mining authorisation must, on or before the prescribed day each year, give to the CEO assessment information in the form and manner approved by the CEO. Penalty: a fine of \$20 000.</del></p>	<p>Section 15 of the <i>MRF Act</i> is amended to make it clear that the person required to provide assessment information under that Act in respect of a mining tenement is the person shown as the holder of the tenement on the register on the prescribed day.</p>

## Background to Amendments

This is a Bill to amend *The Mining Act 1978 (the Act)* to consolidate and clarify the requirements on tenement holders relating to environmental management. The Bill makes consequential amendments to the *Environmental Protection Act 1986* and *Mining Legislation Amendment Act 2014 (MLA Act)* and contains minor amendments to the *Mining Rehabilitation Fund Act 2012 (MRF Act)*. The Bill will insert a new Part into *the Act* to consolidate all environmental management provisions and separate them from the provisions of *the Act* that deal with the grant and administration of mining tenure. The Bill also contains miscellaneous amendments to other provisions of *the Act*.

Part 1 introduces the Bill and provides for commencement of the various provisions.

Part 2 amends *the Act* to:

- introduce of new Part IVAA to consolidate and expand upon provisions relating to environmental management, and to make consequential amendments;
- make a number of changes to provisions of *the Act* dealing with consents to mine, applications for exploration leases, administrative changes relating to exemptions from expenditure requirements, and other minor and miscellaneous matters;
- introduce new regulation-making powers to aid compliance with environmental obligations.

Part 3 amends the *EP Act* with the effect that clearing of native vegetation that is approved or is a low-impact activity under new Part IVAA, and is carried out in accordance with the approval or the applicable requirements, will not require a native vegetation clearing permit under the *EP Act*.

Part 4 repeals section 8 of the *MLA Act* (which has not yet commenced) as the need for this provision has been superseded by the introduction of new Part IVAA.

Part 5 contains minor amendments to the *MRF Act*.