

Mines (Miscellaneous Amendments) Bill

EXPLANATORY MEMORANDUM

Clause 1—provides that the purpose of the Act is to amend the *Mines Act 1958* and repeal the *Mining Development Act 1958*.

Clause 2—provides that sections 8, 20, 21 and 22 come into operation on a day to be proclaimed and that the rest of the Act comes into operation on the day it receives Royal Assent.

Clause 3—provides that the *Mines Act 1958* is the Principal Act.

Clause 4—amends section 3 (10) of the Principal Act by inserting additional paragraphs (ba) and (bb) to—

(a) enable a Land Valuation Board to award costs; and

(b) require parties to proceedings before a Land Valuation Board to attempt to settle their disputes before asking for a determination.

Clause 5—*Sub-clause (1)* provides for a new section 9A to be inserted in the Principal Act to prohibit applicants for or owners of Miners' Rights claims from marking out or mining certain Crown land.

Sub-clause (2) removes an area restriction in section 301 in relation to gardens vineyards or orchards.

Sub-clause (3) prohibits applicants for or owners of Miners' Rights claims from marking out or mining certain private land.

Sub-clause (4) is a transitional provision.

Clause 6—provides for amendments to section 17 of the Principal Act to make applicants for registration of claims comply with conditions under the Act and regulations prior to registration of the claim.

Clause 7—provides for minor amendment of section 21A to ensure that claim holders obtain the consent of exploration licence applicants prior to the claim being registered.

Clause 8—provides for amendment of section 66A of the Act to alter the date of commencement of educator dredge licences and provides transitional provisions required to implement the amendment.

Clause 9—provides for a new section 77 to be inserted in the Principal Act to enable the Minister to obtain technical and financial information from applicants and provides the power to refuse applications if the information is not provided.

Clause 10—provides for minor amendment of section 103 which deals with the Mining warden's qualifications.

Clause 11—provides that a new section 109A be inserted in the Principal Act to enable the Mining warden to award costs in cases where objections are made vexatiously or frivolously.

Clause 12—provides for amendment of section 300A (1) to clarify the ownership of tailings on private land and adds new sub-sections dealing with the owner's right to use tailings and the requirement to obtain the owner's consent before removing or treating tailings.

Clause 13—provides for amendment of sections in Part II. of the Principal Act dealing with acquisition of land for mining purposes and ensures that the land is purchased or compensation paid prior to land being acquired for mining.

Clause 14—provides that the Minister must not grant a prospecting area licence over land under an exploration licence unless the consent of the exploration licence holder is obtained.

Clause 15—provides that prospecting area licences may be transferred with the consent of the Minister.

Clause 16—provides for minor amendment of the Principal Act to remove references to general regulations which no longer exist.

Clause 17—provides that remuneration and allowances paid to members of the Board of Examiners for Mine Managers be fixed by Order in Council rather than regulations.

Clause 18—provides for an additional member to be added to the Mining Consultative Committee to represent the interest of land owners.

Clause 19—provides that applicants for exploration licences are to provide evidence as to how exploration programs are to be financed and also clarifies the relinquishment of land provisions on renewal of exploration licences under section 519.

Clause 20—provides for the addition of a new Division and new sections into the Principal Act as a consequence of the repeal of the *Mining Development Act 1958*.

Section 505—provides a definition of “testing plant”.

Section 505A—provides that the Minister may purchase and erect machinery, plant and appliances for testing the value of metalliferous material.

Section 505B—provides that machinery, plant and appliances for testing metalliferous material may not be established within a reasonable distance of an existing battery site.

Section 505C—provides that if the Minister is of the opinion that a testing plant is required in any district, then he must submit any reports and plans necessary to the Treasurer to justify the expenditure, and, if the Treasurer approves, the Minister may erect the test plant.

Section 505D—provides that fees may be charged for the use of a testing plant or, if agreed gold, minerals or metals forfeited to meet this payment. The section also provides that minerals left at the testing plant beyond the prescribed period are forfeited to the Crown.

Section 506—provides the regulation making powers which are to apply to Division 6.

Clause 21—provides for the repeal of the *Mining Development Act 1958*.

Clause 22—provides the amendments which are consequential to the repeal of the *Mining Development Act 1958*.