

Western Australia

**Mining (Community Protection) Amendment
Bill 2015**

CONTENTS

Part 1 — Preliminary

- | | | |
|----|--------------|---|
| 1. | Short title | 2 |
| 2. | Commencement | 2 |

**Part 2 — Amendments to the *Mining
Act 1978***

- | | | |
|----|--------------------------|---|
| 3. | The Act amended | 3 |
| 4. | Amendment of section 19 | 3 |
| 5. | Amendment of section 120 | 3 |
| | 120. Planning schemes | 3 |

Western Australia

LEGISLATIVE COUNCIL

(Introduced by Hon Robin Chapple MLC)

**Mining (Community Protection) Amendment
Bill 2015**

A Bill for

An Act to amend the *Mining Act 1978* to provide for the Minister to exempt land from mining and for mineral tenement applications to be subject to planning provisions.

The Parliament of Western Australia enacts as follows:

s. 1

Part 1 — Preliminary

1

2 **1. Short title**

3 This Act may be cited as the *Mining (Community Protection)*
4 *Amendment Act 2015*.

5 **2. Commencement**

6 This Act shall come into force on a day fixed by proclamation.

1 **Part 2 — Amendments to the *Mining Act 1978***

2 **3. The Act amended**

3 The amendments in this part are to the *Mining Act 1978*.

4 **4. Amendment of section 19**

5 To delete the following words:

6
7 , not being private land or land that is the subject of a mining
8 tenement or of an application therefor
9

10 **5. Amendment of section 120**

11 To delete Section 120 and insert instead:
12

13 **120. Planning schemes**

14 (1) In determining any application for the grant of a
15 mining tenement the Minister, the Warden or the
16 Mining Registrar, as the case requires, shall only grant
17 the tenement if to do so would be consistent with the
18 provisions of any planning scheme in force under the
19 *Planning and Development Act 2005* affecting the use
20 of the land concerned.

21 (2) Without affecting subsection (1), where —

- 22 (a) application has been made for a mining
23 tenement; and
24 (b) the local government or the Western Australian
25 Planning Commission has, in writing, informed
26 the Minister and the Minister for the time being
27 administering the *Planning and Development*
28 *Act 2005*, that a mining tenement would, if
29 granted, authorise the carrying on of mining
30 operations contrary to the provisions of a draft

Mining (Community Protection) Amendment Bill 2015

Part 2 Amendments to the Mining Act 1978

s. 5

1
2
3
4
5
6
7
8
9
10
11

planning scheme developed under the *Planning and Development Act 2005* affecting the land concerned which has been advertised for public inspection;

the Minister, the Warden or the Mining Registrar shall not dispose of the application until s/he has first consulted the Minister for the time being administering the *Planning and Development Act 2005* and obtained his/her agreement thereon.

=====