

Wild Rivers Bill 2005

Amendments agreed to during Consideration

1 Clause 9—

At page 9, line 4, ‘earlier’—
omit, insert—
‘earliest’.

2 Clause 9—

At page 9, after line 8—
insert—

‘(iii) the day that is 12 months after the later of the days mentioned in paragraph (a) (the **12 month period**) or, if the Minister has extended the 12 month period, the day to which the period has been extended.

‘(2) The Minister may, before the 12 month period expires, extend the period by not more than 12 months by publishing a notice (a **moratorium extension notice**).’.

3 Clause 10—

At page 9, line 30 to page 10, line 6—
omit, insert—

‘(4) For the *Mineral Resources Act 1989*, part 10A, other than section 386A—

- (a) the proposed wild river area is taken to be a wild river area; and
- (b) the proposed high preservation area is taken to be a high preservation area; and
- (c) the proposed preservation area is taken to be a preservation area.’.

4 Clause 21—

At page 16, line 30, ‘earlier’—

omit, insert—

‘earliest’.

5 Clause 21—

At page 17, after line 4—

insert—

‘(iii) the day that is 12 months after the later of the days mentioned in paragraph (a) (the **12 month period**) or, if the Minister has extended the 12 month period, the day to which the period has been extended.

‘(2) The Minister may, before the 12 month period expires, extend the period by not more than 12 months by publishing a notice (a **moratorium extension notice**).’.

6 Clause 34—

At page 22, after line 27—

insert—

‘(1A) The Governor in Council may approve the revocation only if the Legislative Assembly has, on a motion of which at least 28 days notice has been given, passed a resolution requesting the Governor in Council to approve the revocation.’.

7 Clause 39—

At page 24, after line 24—

insert—

‘(ca) a moratorium extension notice;’.

8 Schedule 1—

At page 55, line 5 to page 56, line 20—

omit, insert—

‘1 After section 381—

insert—

‘Part 10A Wild river areas**‘382 Definitions for pt 10A**

‘In this part—

lake see the *Water Act 2000*, schedule 4.

limited hand sampling techniques, for exploration, means—

- (a) taking samples no larger than 20kg; and
- (b) for taking the samples, removing material using only non-mechanical means; and
- (c) if digging is necessary—
 - (i) digging—
 - (A) no deeper than 1m; and
 - (B) not more than 1m³; and
 - (C) along a watercourse or a tributary of a watercourse or in a lake—at places at least 250m apart; and
 - (ii) leaving, in the area where the digging has taken place, any soil or other material disturbed while taking the samples.

mining tenement see the *Wild Rivers Act 2005*, schedule 2.

person, in relation to deciding an application under section 385 or 386, means 1 of the following—

- (a) the Governor in Council;
- (b) the Minister;
- (c) the tribunal;
- (d) a mining registrar.

proposed wild river area see the *Wild Rivers Act 2005*, schedule 2.

special agreement Act see section 735(2).

watercourse see the *Water Act 2000*, schedule 4.

wild river area see the *Wild Rivers Act 2005*, schedule 2.

wild river declaration see the *Wild Rivers Act 2005*, schedule 2.

wild river high preservation area means a high preservation area under the *Wild Rivers Act 2005*.

wild river preservation area means a preservation area under the *Wild Rivers Act 2005*.

‘383 Grant of mining tenements in wild river areas

- ‘(1) If a mining tenement, other than an exploration permit, is granted over land that includes a wild river area, the following parts of the wild river area are excluded from the land to which the mining tenement applies—
- (a) the wild river high preservation area;
 - (b) watercourses and lakes in the wild river preservation area.
- ‘(2) If an exploration permit is granted over land that includes a wild river area—
- (a) the wild river high preservation area, other than watercourses and lakes, is excluded from the land to which the exploration permit applies; and
 - (b) to the extent the exploration permit applies to watercourses and lakes in the wild river area, exploration may be carried out using only limited hand sampling techniques.
- ‘(3) Subsections (1) and (2) do not apply to a mining tenement—
- (a) for a project for which a special agreement Act was enacted; and
 - (b) application for which was allowed, under the special agreement Act, to be made.
- ‘(4) Subsections (1) and (2) do not prevent a single mining tenement applying to the land not excluded under subsection (1) or (2).

- ‘(5) The holder of a mining tenement is not required to pay rental on land excluded under this section.

‘384 Renewal of mining tenements in wild river areas

- ‘(1) If a mining tenement, other than an exploration permit or a mining claim, is renewed over land that, at the time of the renewal, includes a wild river area, the following parts of the wild river area are excluded from the land to which the renewed mining tenement applies—
- (a) the wild river high preservation area;
 - (b) watercourses and lakes in the wild river preservation area.
- ‘(2) If an exploration permit is renewed over land that, at the time of the renewal, includes a wild river area—
- (a) the wild river high preservation area, other than watercourses and lakes, is excluded from the land to which the renewed exploration permit applies; and
 - (b) to the extent the exploration permit applies to watercourses and lakes in the wild river area, exploration may be carried out using only limited hand sampling techniques.
- ‘(3) Subsections (1) and (2) do not apply to a mining tenement—
- (a) for a project for which a special agreement Act was enacted; and
 - (b) allowed, under the special agreement Act, to be granted.
- ‘(4) Subsections (1) and (2) do not prevent a single mining tenement applying to the land not excluded under subsection (1) or (2).
- ‘(5) The holder of a mining tenement is not required to pay rental on land excluded under this section.

‘385 Amending applications for mining tenements in wild river areas

- ‘(1) This section applies for an application for a mining tenement, other than a prospecting permit, (an *original application*) over land that includes a wild river area.
- ‘(2) The applicant may apply (an *amending application*) to the mining registrar to amend the original application to exclude all or part of the wild river area from the original application.
- ‘(3) The mining registrar must, within 1 month after receiving the amending application—
- (a) consult with the EPA administering authority about the amendment; and
 - (b) advise the applicant of anything further the applicant is required to do for the amending application to be approved.

Examples for paragraph (3)(b)—

- notify landholders who may be affected by approval of the amending application
 - submit amendments of documents submitted with the original application
- ‘(4) If the person deciding the original application is satisfied the applicant has complied with any requirement under subsection (3)(b), the person must approve the amending application.
- ‘(5) If the mining registrar receives an amending application—
- (a) the original application must not proceed until the first of the following happens—
 - (i) the amending application is approved;
 - (ii) the applicant withdraws the amending application; and
 - (b) any time limit for the original application does not include the period—
 - (i) starting when the amending application is received; and
 - (ii) ending under paragraph (a)(i) or (ii).

- ‘(6) An amendment of an original application under this section does not prevent a single mining tenement applying to the remaining land mentioned in the original application.

‘386 Addition of excluded land to mining tenement

- ‘(1) This section applies if—
- (a) a person holds a mining tenement other than a prospecting permit; and
 - (b) at the time the mining tenement was granted or renewed, land was excluded under section 383 or 384 from the land to which the mining tenement applies (the *mining tenement land*).
- ‘(2) The holder of the mining tenement may, within 12 months after the mining tenement was granted or renewed, apply to the mining registrar to include in the mining tenement land, land—
- (a) that adjoins the mining tenement land; and
 - (b) that was excluded under section 383 or 384 from the mining tenement land; and
 - (c) that would not, at the time the application is made under this section, be excluded under section 383 or 384.
- ‘(3) The application must be decided by a person authorised under this Act to decide an application for the type of mining tenement held.
- ‘(4) The person deciding the application must—
- (a) consider whether it is appropriate to include the land in the mining tenement land, including considering—
 - (i) any objections made to the grant of the mining tenement; and
 - (ii) any relevant recommendations of the tribunal in relation to the grant of the mining tenement; and
 - (b) consult with the EPA administering authority about the application.
- ‘(5) If the person decides to approve the application, the person may—

- (a) impose additional conditions on the mining tenement; and
 - (b) fix an amount of security to be deposited in addition to any security for the existing mining tenement.
- ‘(6) The person must not approve an application in relation to a mining claim or a mining lease, until compensation between the applicant and the owner of the land to which the application applies has been agreed or determined.
- ‘(7) Within 5 business days after the application is decided, the mining registrar must—
- (a) notify the EPA administering authority and the mining tenement holder of the decision; and
 - (b) if the application is approved—
 - (i) amend the mining tenement to give effect to the approval; and
 - (ii) record particulars of the approval in the appropriate register.

‘386A Addition of wild river area to mining tenement

- ‘(1) A person who holds a mining tenement other than a prospecting permit may apply to include in the land to which the mining tenement applies (the *mining tenement land*), land—
- (a) that is, or was, either—
 - (i) a proposed wild river area; or
 - (ii) a wild river area; and
 - (b) that adjoins the mining tenement land; and
 - (c) that is within the boundary of the land to which the original application for the mining tenement related.
- ‘(2) An application under this section must be made and dealt with as if it were an application under this Act for the type of mining tenement held.
- ‘(3) However, if the application is for a mining claim or a mining lease—

- (a) the posting of a copy of a certificate of public notice on a conspicuous part of the land to which the application relates is sufficient compliance with a requirement of this Act to post a copy of the certificate on the datum post of the land; and
 - (b) the certificate of application and the certificate of public notice must state, as the number of the proposed mining claim or mining lease, the number of the existing mining claim or mining lease, together with the words 'addition of wild river area'.
- '(4) Within 5 business days after the application is decided, the mining registrar must—
- (a) notify the EPA administering authority and the mining tenement holder of the decision; and
 - (b) if the application is approved—
 - (i) amend the mining tenement to give effect to the approval; and
 - (ii) record particulars of the approval in the appropriate register.
- '(5) This section does not affect the application of sections 383 and 384.'

9 Schedule 1—

At page 67, lines 16 to 22—

omit, insert—

- '(2) Subsection (3) applies if any part of the application relates to—
- (a) operational work in a wild river high preservation area that is a dam or weir; or
 - (b) other operational work in a wild river high preservation area—
 - (i) not related to a water entitlement or water permit; and
 - (ii) not for town water supply.'

10 Schedule 1—

At page 67, line 30 to page 68, line 5—

omit, insert—

‘(b) to the extent the application relates to—

(i) operational work in a wild river preservation area;
or

(ii) operational work, that is not a dam or weir, in a
wild river high preservation area—

(A) related to a water entitlement or water
permit; or

(B) for town water supply.’.

11 Schedule 2—

At page 72, before line 3—

insert—

‘**activity**, in relation to carrying out an activity in a wild river
area, includes the construction of works.’.

12 Schedule 2—

At page 74, after line 12—

insert—

‘**moratorium extension notice—**

(a) about a proposed wild river declaration—see section 9;
or

(b) about a proposed amendment of a wild river
declaration—see section 21.’.

13 Schedule 2—

At page 74, line 30—

omit.

14 Schedule 2—

At page 75, lines 11 to 19—

omit, insert—

'publish, for a notice, means publish the notice—

- (a) in a newspaper circulating generally throughout the State; and
- (b) in a newspaper circulating, or by announcement over a radio broadcasting, generally throughout—
 - (i) for a notice about a proposed wild river declaration—the proposed wild river area to which the declaration relates; or
 - (ii) for a notice about a proposed amendment or revocation of a wild river declaration—the wild river area to which the declaration relates.'