

LEGISLATIVE COUNCIL

390

QUESTION WITHOUT NOTICE (of which some notice has been given)

Thursday 19 May 2011

Robin Chapple MLC to the Minister for Mines.

I refer to Question on Notice No. 2884 asked in the Legislative Council on 19 October 2010, and answer to question number one and ask –

1. Can the Minister provide advice under what section/s of the mining act or regulations he may forfeit a mining lease for failure to use the land in respect to which it was granted?
2. If no to (1.) why not?
3. If yes can the Minister identify the factors and criteria that provide the ability to use the relevant section/s of the mining act or regulations?

I thank the Hon Member for some notice of this question.

1. Section 82(1)(b) and (g) of the *Mining Act 1978* provides that a mining lease is deemed to be granted subject to the condition that the lessee shall use the land in respect of which the lease is granted only for mining purposes, and that the lease shall be liable for forfeiture if the lessee is in breach of any of conditions of the lease.
2. Not applicable
3. There are no set criteria and a decision to forfeit is based on failure to use the land in respect of which the mining lease is granted only for mining purposes.

