

LEGISLATIVE COUNCIL
Question On Notice

Wednesday, 23 August 2017

303. Hon Robin Scott to the Minister for Regional Development representing the Minister for Mines and Petroleum

With reference to forfeiture initiated and taken by the Department of Mines and Petroleum (DMP) concerning the late lodgement of form 5 expenditure reports on all mining tenements, I ask:

- (a) will the Minister provide the specific formula used to calculate the monetary penalty that is recommended in each mining registrar's office throughout the State for the respective mining warden to consider, before imposing a penalty;
- (b) if no to (a), why not; and
- (c) for all DMP mining registrar offices, what are the factual circumstances in which the DMP has considered and recommended no penalty be imposed when late lodgement of form 5 expenditure reports are received?

Answer

- (a) No
- (b) The Mining Warden is independent of the Department of Mines, Industry Regulation and Safety. A penalty imposed by the Mining Warden is at their discretion, and the Department of Mines, Industry Regulation and Safety does not make recommendations to the Mining Warden regarding penalties. Under section 96(3) of the *Mining Act 1978* the Mining Warden may impose a penalty of up to \$75 000 if the holder is an individual or \$150 000 if the holder is a body corporate.
- (c) The Mining Warden makes his/her decision at their discretion. Reasons for no penalty imposed have included death, ill-health and on-line computer issues.



MINISTER FOR MINES AND PETROLEUM