

## Notes

<sup>1</sup> This is a compilation of the *Mining Regulations 1981* and includes the amendments made by the other written laws referred to in the following table <sup>1a</sup>. The table also contains information about any reprint.

**Compilation table**

Citation	Gazettal	Commencement
<i>Mining Regulations 1981</i>	13 Nov 1981 p. 4601-76	1 Jan 1982 (see r. 1(2) and <i>Gazette</i> 11 Dec 1981 p. 5085)
<i>Mining Amendment Regulations 1982</i>	6 Aug 1982 p. 3099	6 Aug 1982
<i>Mining Amendment Regulations (No. 2) 1982</i>	12 Nov 1982 p. 4490-1 (erratum 19 Nov 1982 p. 4578)	10 Dec 1982 (see r. 2)
<i>Mining Amendment Regulations 1983</i>	23 Dec 1983 p. 5001-2	1 Jan 1984 (see r. 2 and <i>Gazette</i> 2982 p. 4934)
<i>Mining Amendment Regulations 1984</i>	16 Mar 1984 p. 725	16 Mar 1984
<i>Mining Amendment Regulations (No. 2) 1984</i>	15 Jun 1984 p. 1655-7	1 Jul 1984 (see r. 2)
<i>Mining Amendment Regulations 1986</i>	30 May 1986 p. 1839-41	30 May 1986
<i>Mining Amendment Regulations (No. 2) 1986</i>	20 Jun 1986 p. 2083-6	1 Jul 1986 (see r. 2)
<i>Mining Amendment Regulations 1987</i>	26 Jun 1987 p. 2526-8	1 Jul 1987 (see r. 2)
<i>Mining Amendment Regulations (No. 3) 1987</i>	7 Aug 1987 p. 3134	7 Aug 1987
<i>Mining Amendment Regulations (No. 5) 1987</i>	21 Aug 1987 p. 3268	21 Aug 1987
<i>Mining Amendment Regulations (No. 2) 1987</i>	2 Oct 1987 p. 3811-37 (erratum 6 Nov 1987 p. 4110)	16 Oct 1987 (see r. 2 and <i>Gazette</i> 16 Oct 1987 p. 3884)
<i>Mining Amendment Regulations (No. 6) 1987</i>	6 Nov 1987 p. 4110	6 Nov 1987
<i>Mining Amendment Regulations 1988</i>	5 Feb 1988 p. 312	5 Feb 1988
<i>Mining Amendment Regulations (No. 2) 1988</i>	8 Apr 1988 p. 1165	8 Apr 1988
<i>Mining Amendment Regulations (No. 3) 1988</i>	20 May 1988 p. 1705-7	20 May 1988
<i>Mining Amendment Regulations (No. 5) 1988</i>	15 Jul 1988 p. 2474	15 Jul 1988
<i>Mining Amendment Regulations (No. 4) 1988</i>	22 Jul 1988 p. 2526-8	1 Aug 1988 (see r. 2)

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<b>Reprint of the <i>Mining Regulations 1981</i> as at <b>11 Aug 1988</b> (see <i>Gazette</i> 24 Aug 1988 p. 3147-242) (includes amendments listed above)</b>		
<i>Mining Amendment Regulations 1989</i>	3 Mar 1989 p. 688-9	3 Mar 1989
<i>Mining Amendment Regulations (No. 2) 1989</i>	30 Jun 1989 p. 2001	1 Jul 1989 (see r. 2)
<i>Mining Amendment Regulations (No. 3) 1989</i>	21 Jul 1989 p. 2249-50	1 Aug 1989 (see r. 2)
<i>Mining Amendment Regulations (No. 5) 1989</i>	22 Dec 1989 p. 4655	1 Jan 1990 (see r. 2)
<i>Mining Amendment Regulations 1990</i>	20 Apr 1990 p. 2000	1 May 1990 (see r. 2)
<i>Mining Amendment Regulations (No. 2) 1990</i>	22 Jun 1990 p. 3073-5	1 Jul 1990 (see r. 2)
<i>Mining Amendment Regulations (No. 3) 1990</i>	22 Jun 1990 p. 3073	1 Jul 1990 (see r. 2)
<i>Mining Amendment Regulations (No. 4) 1990</i>	16 Nov 1990 p. 5727-9	16 Nov 1990
<i>Mining Amendment Regulations (No. 2) 1991</i>	24 May 1991 p. 2593-4	24 May 1991
<i>Mining Amendment Regulations 1991</i>	31 May 1991 p. 2695-707 (corrigenda 7 Jun 1991 p. 2836 and 21 Jun 1991 p. 3057)	1 Jul 1991 (see r. 2 and <i>Gazette</i> 28 Jun 1991 p. 3101)
<i>Mining Amendment Regulations (No. 3) 1991</i>	21 Jun 1991 p. 3055-7	1 Jul 1991 (see r. 3)
<i>Mining Amendment Regulations (No. 5) 1991</i>	5 Jul 1991 p. 3357-8	5 Jul 1991
<i>Mining Amendment Regulations (No. 4) 1991</i>	5 Jul 1991 p. 3358-9	5 Jul 1991
<i>Mining Amendment Regulations (No. 6) 1991</i>	8 Nov 1991 p. 5741-2	8 Nov 1991
<i>Mining Amendment Regulations (No. 2) 1992</i>	3 Jul 1992 p. 2973	3 Jul 1992
<i>Mining Amendment Regulations 1992</i>	31 Jul 1992 p. 3775-80	31 Jul 1992
<i>Mining Amendment Regulations (No. 4) 1992</i>	18 Dec 1992 p. 6127	18 Dec 1992
<i>Mining Amendment Regulations 1993</i>	2 Jul 1993 p. 3270-2	2 Jul 1993
<i>Mining Amendment Regulations (No. 2) 1993</i>	30 Jul 1993 p. 4157	30 Jul 1993 (see r. 2)
<i>Mining Amendment Regulations (No. 3) 1993</i>	19 Nov 1993 p. 6274-5	19 Nov 1993
<i>Mining Amendment Regulations (No. 4) 1993</i>	26 Nov 1993 p. 6368	26 Nov 1993
<i>Mining Amendment Regulations</i>	24 Dec 1993	24 Dec 1993

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>(No. 5) 1993</i>	p. 6828-30	
<i>Mining Amendment Regulations (No. 6) 1993</i>	24 Dec 1993	24 Dec 1993
<i>Mining Amendment Regulations (No. 2) 1994</i>	p. 6830-1	
<i>Mining Amendment Regulations 1994</i>	10 Jun 1994	1 Jul 1994 (see r. 2)
	p. 2411	
	24 Jun 1994	1 Jul 1994 (see r. 2 and <i>Gazette</i>
	p. 2927-43	24 Jun 1994 p. 2819)
<i>Mining Amendment Regulations (No. 3) 1994</i>	9 Sep 1994	9 Sep 1994
	p. 4643	
<i>Mining Amendment Regulations (No. 4) 1994</i>	23 Dec 1994	1 Jan 1995 (see r. 2)
	p. 7114	
<i>Mining Amendment Regulations (No. 2) 1995</i>	19 May 1995	19 May 1995
	p. 1881-2	
<i>Mining Amendment Regulations (No. 3) 1995</i>	30 Jun 1995	30 Jun 1995
	p. 2660	
<i>Mining Amendment Regulations 1995</i>	13 Oct 1995	13 Oct 1995 (see r. 2 and <i>Gazette</i>
	p. 4813-23	13 Oct 1995 p. 4797)
<i>Mining Amendment Regulations (No. 4) 1995</i>	15 Dec 1995	15 Dec 1995
	p. 6114-15	
<b>Reprint of the Mining Regulations 1981 as at 18 Mar 1996</b> (includes amendments listed above)		
<i>Mining Amendment Regulations (No. 2) 1996</i>	19 Apr 1996	19 Apr 1996
	p. 1753	
<i>Mining Amendment Regulations 1996</i>	13 Sep 1996	13 Sep 1996
	p. 4598	
<i>Mining Amendment Regulations 1997</i>	4 Apr 1997	4 Apr 1997
	p. 1777-81	
<i>Mining Amendment Regulations (No. 4) 1997</i>	3 Oct 1997	3 Oct 1997
	p. 5530-5	
<i>Mining Amendment Regulations (No. 2) 1998</i>	17 Mar 1998	17 Mar 1998
	p. 1434-5	
<i>Mining Amendment Regulations (No. 3) 1998</i>	24 Apr 1998	24 Apr 1998
	p. 2153	
<i>Mining Amendment Regulations 1998</i>	12 Jun 1998	1 Jul 1998 (see r. 2)
	p. 3184	
<i>Mining Amendment Regulations 1999</i>	11 Jun 1999	1 Jul 1999 (see r. 2)
	p. 2543-52	
<i>Mining Amendment Regulations (No. 2) 1999</i>	18 Jun 1999	18 Jun 1999
	p. 2641-3	
<i>Mining Amendment Regulations (No. 4) 1999</i>	19 Nov 1999	19 Nov 1999
	p. 5791-2	
<i>Mining Amendment Regulations (No. 3) 1999</i>	21 Jan 2000	21 Jan 2000
	p. 344-5	
<i>Mining Amendment Regulations 2000</i>	8 Feb 2000	8 Feb 2000
	p. 453-4	
<i>Mining Amendment Regulations (No. 3) 2000</i>	14 Apr 2000	14 Apr 2000
	p. 1891-2	
<i>Mining Amendment Regulations (No. 2) 2000</i>	16 Jun 2000	1 Jul 2000 (see r. 2)
	p. 2951-2	
<i>Mining Amendment Regulations</i>	16 Jun 2000	1 Jul 2000 (see r. 2)

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>(No. 4) 2000</i>	p. 2952-7	
<i>Mining Amendment Regulations (No. 5) 2000</i>	30 Jun 2000 p. 3473-4	1 Jul 2000 (see r. 2)
<b>Reprint of the Mining Regulations 1981 as at 21 Jul 2000</b> (includes amendments listed above)		
<i>Mining Amendment Regulations (No. 6) 2000</i>	15 Dec 2000 p. 7219-24	16 Dec 2000 (see r. 2 and <i>Gazette</i> 15 Dec 2000 p. 7201)
<i>Mining Amendment Regulations (No. 7) 2000</i>	5 Jan 2001 p. 125	5 Jan 2001
<i>Mining Amendment Regulations 2001</i>	2 Feb 2001 p. 704-11	3 Feb 2001 (see r. 2 and <i>Gazette</i> 2 Feb 2001 p. 697)
<i>Mining Amendment Regulations (No. 2) 2001</i>	2 Feb 2001 p. 711-14	2 Feb 2001
<i>Mining Amendment Regulations (No. 3) 2001</i>	27 Apr 2001 p. 2202	27 Apr 2001
<i>Mining Amendment Regulations (No. 4) 2001</i>	3 Aug 2001 p. 3971	3 Aug 2001
<i>Mining Amendment Regulations (No. 5) 2001</i>	17 Aug 2001 p. 4347	17 Aug 2001
<i>Corporations (Consequential Amendments) Regulations 2001 Pt. 8</i>	28 Sep 2001 p. 5353-8	15 Jul 2001 (see r. 2 and <i>Cwlth Gazette</i> 13 Jul 2001 No. S285)
<i>Mining Amendment Regulations (No. 6) 2001</i> <sup>7</sup>	14 Dec 2001 p. 6403-8	1 Jan 2002 (see r. 2)
<i>Mining Amendment Regulations 2002</i>	8 Feb 2002 p. 606-8	23 Apr 2002 (see r. 2 and <i>Gazette</i> 21 May 2002 p. 2600)
<i>Mining Amendment Regulations (No. 4) 2002</i>	28 Jun 2002 p. 3087-9	1 Jul 2002 (see r. 2)
<i>Mining Amendment Regulations (No. 2) 2002</i>	23 Jul 2002 p. 3425	23 Jul 2002
<b>Reprint of the Mining Regulations 1981 as at 25 Jul 2002</b> (includes amendments listed above)		
<i>Mining Amendment Regulations (No. 3) 2002</i>	27 Aug 2002 p. 4356-7	1 Jan 2003 (see r. 2)
<i>Mining Amendment Regulations (No. 7) 2002</i> <sup>8</sup>	13 Dec 2002 p. 5803-6	1 Jan 2003 (see r. 2)
<i>Mining Amendment Regulations (No. 5) 2002</i>	17 Jan 2003 p. 105-9	18 Jan 2003 (see r. 2 and <i>Gazette</i> 17 Jan 2003 p. 105)
<i>Mining Amendment Regulations (No. 6) 2002</i>	17 Jan 2003 p. 109-14	17 Jan 2003
<i>Mining Amendment Regulations 2003</i>	20 Jun 2003 p. 2241-3	1 Jul 2003 (see r. 2)
<i>Mining Amendment Regulations (No. 2) 2003</i>	15 Aug 2003 p. 3693-4	15 Aug 2003
<i>Mining Amendment Regulations (No. 2) 2004</i>	25 Jun 2004 p. 2243-5	1 Jul 2004 (see r. 2)
<b>Reprint 5: The Mining Regulations 1981 as at 16 Jul 2004</b> (includes amendments listed above)		

- 1a On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

**Provisions that have not come into operation**

Citation	Gazettal	Commencement
<i>Mining Amendment Regulations (No. 3) 2004</i> <sup>9</sup>	20 Aug 2004 p. 3619-21	1 Jul 2005 (see r. 2)
<i>Mining Amendment Regulations (No. 5) 2004</i> <sup>10</sup>	28 Jan 2005 p. 360-2	1 Jul 2005 (see r. 2)
<i>Mining Amendment Regulations (No. 3) 2005</i> <sup>11</sup>	20 May 2005 p. 2159	1 Jul 2005 (see r. 2)

- 2 The *Mining Amendment Act 1990* was operative 28 June 1991.
- 3 The *Mining Amendment Act 1993* s. 28 was operative 1 July 1994.
- 4 Under the *Alteration of Statutory Designations Order 2003*, a reference in any law to the Department of Mines or to the Department of Minerals and Energy is, unless the contrary intention appears, to be read and construed as a reference to the Department of Industry and Resources.
- 5 Under the *Alterations of Statutory Designations Order (No. 3) 2001* a reference in any law to the Aboriginal Affairs Department is, unless the contrary intention appears, to be read and construed as a reference to the Department of Indigenous Affairs.
- 6 Repealed by the *Mining Act 1978*.
- 7 The *Mining Amendment Regulations (No. 6) 2001* r. 13 reads as follows:  
“
- 13. Saving**
- Despite the amendments effected by these regulations, the *Mining Regulations 1981* as in force immediately before the commencement of these regulations continue to apply in relation to the determination and payment of, and returns in respect of, royalties for minerals first sold, transferred or otherwise disposed of before that commencement.
- ”.
- 8 The *Mining Amendment Regulations (No. 7) 2002* r. 6(2) reads as follows:  
“
- (2) Despite the repeal effected by subregulation (1), regulation 85A of the *Mining Regulations 1981* as in force immediately before the commencement of these regulations continues to apply in relation to the month of December 2002.
- ”.
- 9 On the date as at which this compilation was prepared, the *Mining Amendment Regulations (No. 3) 2004* r. 4 had not come into operation. It reads as follows:

“

4. **Regulation 86 amended**

(1) After regulation 86(2) the following subregulations are inserted —

“

(2a) In the Table to this regulation —

“**Amount A**” means —

- (a) for the year 1 July 2005 to 30 June 2006, 34 cents;
- (b) for the year 1 July 2006 to 30 June 2007, 38 cents;
- (c) for the year 1 July 2007 to 30 June 2008, 42 cents;
- (d) for the year 1 July 2008 to 30 June 2009, 46 cents;
- (e) for the year 1 July 2009 to 30 June 2010, 50 cents;
- (f) for the 5 year period beginning on 1 July 2010 and ending on 30 June 2015 and for each succeeding 5 year period (the “**relevant period**”), the amount calculated under subregulation (2b) or provided for in subregulation (2d), as the case requires;

“**Amount B**” means —

- (a) for the year 1 July 2005 to 30 June 2006, 56 cents;
- (b) for the year 1 July 2006 to 30 June 2007, 62 cents;
- (c) for the year 1 July 2007 to 30 June 2008, 68 cents;
- (d) for the year 1 July 2008 to 30 June 2009, 74 cents;
- (e) for the year 1 July 2009 to 30 June 2010, 80 cents;
- (f) for the 5 year period beginning on 1 July 2010 and ending on 30 June 2015 and for each succeeding 5 year period (the “**relevant period**”), the amount calculated under subregulation (2b) or provided for in subregulation (2d), as the case requires.

(2b) Subject to subregulations (2c) and (2d), the amount for the relevant period is the amount calculated using the formula —

$$R = C \times \frac{PPI}{127.3}$$

where —

R is the amount;

C is —

- (a) for the purposes of Amount A, 50 cents;

(b) for the purposes of Amount B, 80 cents;  
PPI is the Non-Metallic Mineral Products Price Index number, for the quarter ending on the last 31 March before the beginning of the relevant period, published by the Australian Bureau of Statistics in Catalogue 6427.0 Producer Price Indexes, Australia.

- (2c) If the calculation provided for in subregulation (2b) does not result in an amount of whole cents the amount is to be rounded down to the nearest whole cent and the rounded amount is to be regarded as the amount calculated under that subregulation.
- (2d) If the amount calculated under subregulation (2b) is less than the amount that applied immediately before the beginning of the relevant period (the “**existing amount**”), the amount for the relevant period is the existing amount.

”.

(2) The Table to regulation 86 is amended as follows:

- (a) by deleting the items relating to —
- (i) agricultural limestone;
  - (ii) construction limestone; and
  - (iii) metallurgical limestone;
- (b) by deleting the item relating to limestone and inserting the following item instead —

“

Limestone (including limesands and shellsands) —

used for agricultural or construction purposes or as a neutralising agent      Amount A

used for metallurgical purposes      Amount B

”;

- (c) in column 1 by deleting “30 cents” in each place where it occurs and inserting instead —  
“ Amount A ”;
- (d) by column 1 by deleting “50 cents” in each place where it occurs and inserting instead —  
“ Amount B ”.

”.

10 On the date as at which this compilation was prepared, the *Mining Amendment Regulations (No. 5) 2004* r. 4-5 had not come into operation. They read as follows:

“

**4. Regulation 86 amended and saving provision**

(1) The Table to regulation 86 is amended as follows:

- (a) by deleting the item relating to ilmenite and inserting instead —
  - (i) in the column headed “Mineral” —

“

Ilmenite (other than ilmenite feedstock  
as defined in regulation 86AC)

”;

- (ii) in column 2 —  
“ 5% ”;

(b) in the item relating to “Any other mineral”, in the column headed “Mineral”, by deleting “within the meaning of regulation 86AA” and inserting instead —

“

as defined in regulation 86AA and ilmenite  
concentrate as defined in regulation 86AC

”.

(2) Despite the amendment effected by subregulation (1), the Table to regulation 86 of the *Mining Regulations 1981* as in force immediately before the commencement of these regulations continues to apply for the purpose of determining the rate of royalty payable for ilmenite produced before that commencement.

**5. Regulation 86AC inserted**

After regulation 86AB the following regulation is inserted —

“

**86AC. Rates of royalty for ilmenite feedstock**

(1) In this regulation —

**“beneficiation plant”** means a mineral processing plant located in Western Australia that produces or is designed to produce upgraded ilmenite with an average titanium dioxide content of not less than 90%;

**“ilmenite feedstock”** means ilmenite concentrate intended for use as feedstock in a beneficiation plant that is owned or operated by —

- (a) the producer of the ilmenite concentrate; or
- (b) a body corporate which, in relation to that producer, is a related corporation.

(2) For the purposes of this regulation ilmenite feedstock is of marketable quality if it is of a quality determined by the Minister, after consultation with the producer, to be suitable for sale without further processing or other treatment.

(3) When ilmenite feedstock is produced from ilmenite that was obtained from a mining tenement, royalties shall be paid by the holder of, or applicant for, the mining tenement.



- (4) The rate of royalty payable for ilmenite feedstock that is of marketable quality is —
  - (a) if it is produced in the period beginning on 1 July 2005 and ending on 30 June 2006, 3.5% of its value;
  - (b) if it is produced in the period beginning on 1 July 2006 and ending on 30 June 2007, 4% of its value;
  - (c) if it is produced in the period beginning on 1 July 2007 and ending on 30 June 2008, 4.5% of its value; or
  - (d) if it is produced after 30 June 2008, 5% of its value.
- (5) The value of ilmenite feedstock for the purposes of subregulation (4) is to be worked out using the method determined under subregulation (6).
- (6) The Minister may from time to time determine a method for working out the value of ilmenite feedstock that takes into account prices obtained for ilmenite concentrate of the same or a similar grade to the ilmenite feedstock.
- (7) The rate of royalty payable for ilmenite feedstock that is not of marketable quality is \$1.50 per tonne adjusted each year on 30 June in accordance with the F.O.B. export price of all bulk ilmenite concentrate sales from Western Australian production for the year ending on that date when compared with the corresponding price of all bulk ilmenite concentrate sales from Western Australian production for the year ending on 30 June 1987.

”.

11

On the date as at which this compilation was prepared, the *Mining Amendment Regulations (No. 3) 2005* r. 4 had not come into operation. It reads as follows:

“

**4. Regulation 86A amended**

Regulation 86A(7) is repealed and the following subregulations are inserted instead —

“

- (7) For the purposes of subregulation (6), a royalty part-payment for a mineral shall be paid within 30 days after the end of the quarter during which a part-payment of the gross invoice value of the mineral was paid by the purchaser of the mineral.
- (7a) The amount of a royalty part-payment shall be calculated using a method approved by the Director General of Mines.

”.

”.