Mining Amendment Regulations 2002

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the Mining Amendment Regulations 2002.
2. **Commencement**

These regulations come into operation on the day on which the *Mining (Ellendale Diamond Royalties) Regulations 2002* come into operation.

3. **The regulations amended**

The amendments in these regulations are to the *Mining Regulations 1981*.[*]

[* Reprinted as at 21 July 2000.
For amendments to 24 December 2001 see 2000 Index to Legislation of Western Australia, Table 4, p. 230, and Gazette
2 February, 27 April, 3 and 17 August and
28 September 2001.]

4. **Regulation 85B amended**

After regulation 85B(2) the following subregulation is inserted —

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(3) Subregulation (1) does not apply to the tenement holder as defined in the *Mining (Ellendale Diamond Royalties) Regulations 2002* in relation to royalties payable under those regulations.
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5. **Regulation 86 amended**

Before the Table to regulation 86 the following subregulation is inserted —

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(3) This regulation does not apply to diamond obtained from the Ellendale mining lease as defined in the *Mining (Ellendale Diamond Royalties) Regulations 2002*.
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6. **Regulation 86A amended**

After regulation 86A(8) the following subregulation is inserted —

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(9) This regulation does not apply to royalties payable under the *Mining (Ellendale Diamond Royalties) Regulations 2002*.
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7. **Regulation 86F amended**

(1) Regulation 86F(1) is amended as follows:

(a) by deleting “or 86AA” and inserting instead —

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, 86AA or the *Mining (Ellendale Diamond Royalties) Regulations 2002*
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;
(b) after paragraph (a) by deleting “or”;

(c) after paragraph (b) by deleting the comma and inserting —

"; or

(c) under the Mining (Ellendale Diamond Royalties) Regulations 2002, for diamond obtained while the determination is expressed to apply,

(2) Regulation 86F(2) is amended by inserting after “86A” —

" or the Mining (Ellendale Diamond Royalties) Regulations 2002

(3) Regulation 86F(3) is amended in the definition of “royalty base” by inserting after paragraph (a) the following paragraph —

"(aa) in the case of diamond obtained from the Ellendale mining lease as defined in the Mining (Ellendale Diamond Royalties) Regulations 2002, anything by reference to which those regulations fix the rate of royalty payable for that mineral;

8. Regulation 87B amended

Regulation 87B(1)(b) is amended by inserting after “regulation 85B” —

" or the Mining (Ellendale Diamond Royalties) Regulations 2002

9. Regulation 89 amended

Regulation 89 is amended by inserting after “regulations” —

" or the Mining (Ellendale Diamond Royalties) Regulations 2002

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.