
MINERALS AND ENERGY

MN301*

Mining Act 1978

Mining Amendment Regulations 1999

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Mining Amendment Regulations 1999*.

2. Commencement

These regulations come into operation on 1 July 1999.

3. The regulations amended

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

[* Reprinted as at 18 March 1996.

For amendments to 18 May 1999 see 1998 Index to Legislation of Western Australia, Table 4, pp. 215-6.]

4. Regulation 15 amended

After regulation 15(1a) the following subregulation is inserted —

“

- (1b) The specific provisions in regulation 96C, relating to allowable expenditure and non-allowable expenditure for the purposes of calculating expenditure under a licence, apply when calculating expenditure under this regulation.

”

5. Regulation 21 amended

After regulation 21(1d) the following subregulation is inserted —

“

- (1e) The specific provisions in regulation 96C, relating to allowable expenditure and non-allowable expenditure for the purposes of calculating expenditure under a licence, apply when calculating expenditure under this regulation.

”

6. Regulation 31 amended

After regulation 31(1a) the following subregulation is inserted —

“

- (1b) The specific provisions in regulation 96C, relating to allowable expenditure and non-allowable expenditure for the purposes of calculating expenditure under a lease, apply when calculating expenditure under this regulation.

”.

7. Regulation 42A amended

Regulation 42A(1) is amended by deleting “section 91” and inserting instead —

“ section 91A or 91B ”.

8. Regulation 62 amended

Regulation 62(1) is repealed and the following subregulation is inserted instead —

“

- (1) A person who makes an application for a mining tenement which is marked out to comprise an area in excess of the maximum area provided in the Act for such tenement is, before the tenement is granted, liable to have the surplus land at either end, or side, marked out at the option of another person who wishes to apply for a mining tenement in respect of that surplus land.

”.

9. Regulation 96 amended

- (1) Regulation 96(2)(b) is amended by deleting “6 months” and inserting instead —

“ 3 months ”.

- (2) Regulation 96(3) is amended by inserting after “First Schedule” —

“

, together with either Attachment 1 — “Summary of Mineral Exploration/Mining Activities” or Attachment 2 — “Summary of Prospecting and/or Small Scale Mining Activities”, as the case may be

”.

- (3) Regulation 96(7)(b) is amended by deleting “6 months” and inserting instead —

“ 3 months ”.

10. Regulation 96C inserted

After regulation 96B the following regulation is inserted —

“

96C. Specific expenditure provisions

- (1) The cost of an Aboriginal heritage survey conducted on land which is the subject of a mining tenement may be used in the calculation of expenditure expended on, or in connection with, mining on the mining tenement.
- (2) Where the cost of a survey is claimed under subregulation (1) —
 - (a) a copy of the survey must be submitted to the Registrar of Aboriginal Sites (appointed under section 37 of the *Aboriginal Heritage Act 1972*) as soon as practicable; and
 - (b) evidence that the survey has been submitted to the Registrar of Aboriginal Sites must be provided to the Department.
- (3) Administration and land access costs relating to land which is the subject of a mining tenement may be used in the calculation of expenditure expended on, or in connection with, mining on the mining tenement, but only up to 20% of the minimum commitment, or 20% of the total expenditure on the mining tenement, whichever is the greater amount.
- (4) The following costs and payments cannot be used in the calculation of expenditure expended on, or in connection with, mining on the mining tenement —
 - (a) the cost of marking out mining tenements;
 - (b) any costs associated with the acquisition or sale of mining tenements;
 - (c) research activities not directly related to a specific tenement;
 - (d) compensation payments made in respect to the mining tenement.

”.

11. Regulation 126 amended

Regulation 126 is amended by deleting “7 days” and inserting instead —

“ 30 days ”.

12. First Schedule amended

- (1) The First Schedule is amended by deleting Form 5 and inserting instead —

“

Form 5

WESTERN AUSTRALIA

Page 1

Mining Act 1978

(Secs. 51, 68, 70H, 82 and 115A)

(Regs. 16, 22, 23E, 32, 96B and 96C)

OPERATIONS REPORT – EXPENDITURE ON MINING TENEMENT

(To be completed in accordance with instructions on pages 3 and 4.)

Annual:	<input type="text"/>	Final:	<input type="text"/>
Tenement Type:	<input type="text"/>	Number:	<input type="text"/> / <input type="text"/>
Reporting Period:	From:	<input type="text"/> / <input type="text"/> / <input type="text"/>	To:
		<input type="text"/> / <input type="text"/> / <input type="text"/>	

Itemize
activities and
expenditure
on
Attachment 1

Evidence of
lodgement to
be provided

MINERAL-EXPLORATION AND/OR MINING ACTIVITIES	
A. MINERAL-EXPLORATION ACTIVITIES:	\$ <input type="text"/>
B. MINING ACTIVITIES:	\$ <input type="text"/>
C. ABORIGINAL HERITAGE SURVEYS: <i>Copy to be lodged with the Registrar of Aboriginal Sites.</i>	\$ <input type="text"/>
D. ANNUAL TENEMENT RENT AND RATES:	\$ <input type="text"/>
E. ADMINISTRATION/OVERHEADS:	\$ <input type="text"/>
F. (OTHER) LAND ACCESS/NATIVE TITLE COSTS: <i>Jointly not to exceed 20% of the minimum commitment or expenditure on the activities shown above, whichever is the greater (see page 4 for instructions).</i>	\$ <input type="text"/> \$ <input type="text"/>
TOTAL EXPENDITURE:	\$ <input type="text"/>
N.B. Full details and results of mineral-exploration activities must be submitted in the annual mineral-exploration report in accordance with section 115A of the Act and the guidelines published under regulation 96B.	

OR

Itemize
activities and
expenditure
on
Attachment 2

PROSPECTING AND/OR SMALL SCALE MINING ACTIVITIES	
TOTAL EXPENDITURE:	\$ <input type="text"/>
(A to E ON ATTACHMENT 2)	

A copy of this page of the Operations Report and Attachment 1 titled "Summary of Mineral-Exploration and/or Mining Activities" or Attachment 2 titled "Summary of Prospecting and/or Small Scale Mining Activities" may be obtained by any person on the payment of the prescribed fee in accordance with regulation 96(3).

Full name and address of holder/s.

NAME: _____
 ADDRESS: _____

Full name and address of operator/manager (if mining tenement under option or joint venture).

NAME: _____
 ADDRESS: _____

List here details of the related annual mineral-exploration report.

Mineral-exploration report (for single tenement)
 Title: _____

Combined mineral-exploration report (for group of two or more tenements)
 Title: _____

Combined reporting number for tenement group: C / _____

Combined reporting date for group: _____ / _____ / _____

I certify that the information on pages 1 and 2 and in Attachment 1 "Summary of Mineral-Exploration and/or Mining Activities" or Attachment 2 "Summary of Prospecting and/or Small Scale Mining Activities" constitutes a true statement of the operations carried out and monies expended on this mining tenement during the reporting period specified.

Signature of holder or agent

Date:

____ / ____ / ____

(Tick appropriate box and show expenditure. If more than one commodity sought, tick appropriate boxes and allocate expenditure for each one).

MINERAL COMMODITY SOUGHT ON TENEMENT

<input type="checkbox"/> Gold	\$ _____	<input type="checkbox"/> Diamond	\$ _____
<input type="checkbox"/> Iron ore	\$ _____	<input type="checkbox"/> Mineral Sands	\$ _____
<input type="checkbox"/> Nickel/Cobalt	\$ _____	<input type="checkbox"/> Other (specify)	\$ _____
<input type="checkbox"/> Copper/Lead/ Zinc/Silver	\$ _____

This page is not to be copied in conjunction with regulation 96(3).

Note:
 ATTACHMENT 1 — SUMMARY OF MINERAL-EXPLORATION AND/OR MINING ACTIVITIES **OR** ATTACHMENT 2 — SUMMARY OF PROSPECTING AND/OR SMALL SCALE MINING ACTIVITIES

(A) The attachments to the Form 5 are to provide a summary of the activities carried out and the cost of each activity. For Attachment 1 you may either use the pro-forma sheet or a separate sheet with the suggested headings as shown under 4(A) and (B) in the instructions. For Attachment 2 the pro-forma sheet available from the Department must be used.

(B) A copy of Attachment 1 or 2 will be provided together with a copy of the front page of the Form 5 to any person on payment of the prescribed fee.

This operations report received

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INSTRUCTIONS FOR THE COMPLETION OF FORM 5

1. The Form 5 "Operations Report" and mineral exploration report are required to be lodged annually for each mining tenement within sixty (60) days from the anniversary or surrender date of the mining tenement (or such further period as may be approved by the Minister prior to the expiry of that period).

These reports should be lodged with —

The Director General, Department of Minerals and Energy, 100 Plain Street, East Perth, WA 6004.

N.B. A mineral exploration report is not required if the general prospecting activities detailed in Attachment 2 are the only activities carried out.

2. The Form 5 and attachments must show expenditure incurred on the activities undertaken during the annual period of the mining tenement or the period up to surrender and may be varied according to the type of activities undertaken —
 (a) for mineral-exploration and/or mining activities (see 3 below); and/or
 (b) for general prospecting and/or small scale mining activities (see 4 below).
3. For mineral-exploration and/or mining activities, the format of the Form 5 consists of the two pages (as shown on this form) plus Attachment 1 to provide details of the cost and description for each activity (see A and B below for examples of the activities to be shown). The full cost of Aboriginal heritage surveys is allowed (see C below). Administration/overheads/land access/native title costs are not to exceed 20% of the minimum expenditure commitment, or the total of expenditure incurred on activities, whichever is the greater (see D and E below for the costs that can be claimed). Full details and results of mineral-exploration activities are required to be submitted in a mineral-exploration report (see 6 to 8 below).
4. For all other general prospecting activities (i.e. non-geoscientific activities such as metal-detecting, loaming, panning, dollying, dry-blowing, trenching, plant and equipment hire, own labour costs) the format of the Form 5 consists of the two pages (as shown on this form) plus Attachment 2 to provide details of prospecting and/or small scale mining activities.

A. MINERAL EXPLORATION ACTIVITIES

Geological activities: geological mapping, sampling, drilling supervision, core logging, non-core drill-sample logging, geological data processing and interpretation, petrology, planning of exploration programs, report preparation; where appropriate, general prospecting can be added here.

Geochemical activities: geochemical sampling, analysis of surface geochemical samples or subsurface drilling samples, geochemical data processing and interpretation. ALSO show number of samples collected.

Geophysical activities (surface/subsurface): ground geophysical surveys, downhole logging, geophysical data processing and interpretation.

Airborne geophysical activities: aerial survey costs, geophysical data processing and interpretation.

Remote sensing activities: aerial photography, remote sensing images, photo interpretation, image processing and interpretation.

Mineralogical activities (exploration for diamonds, heavy mineral sands, etc.): bulk sampling, mineral separation, mineralogy and analysis of diamond indicator minerals or other minerals.

Surveying activities: gridding, line clearing, grid tie-in, tenement boundaries, etc.

Core drilling: diamond drilling costs (including pre-collar open-hole non-core drilling), access road and drill-site preparation; ALSO show metres drilled and number of holes completed.

Non-core drilling: drilling costs, access road preparation; ALSO show metres drilled and number of holes completed. Costs for deep geochemical sampling by auger or air-core drilling can also be shown here. (**N.B.** Specify drilling for groundwater supply.)

Costeaming: plant and equipment hire for trenching and bulk sampling.

Field supplies: exploration equipment, consumables and supplies, plant and equipment hire, fuel, oil, etc., depreciation of direct exploration equipment, wages for non-professional field personnel.

Drafting activities: drafting equipment, consumables and supplies, salaries for drafting personnel.

Travel: travel costs directly associated with mineral exploration activities conducted on the tenement.

Field camp activities: establishment and maintenance of exploration base camps, food and accommodation, vehicle costs, contractor helicopter support.

Environmental: environmental studies.

Feasibility study activities:

Rehabilitation activities:

B. MINING ACTIVITIES (DEVELOPMENT AND PRODUCTION)

Mine planning, open-cut mining, underground mining, shaft sinking, decline construction, underground drilling, pre-blast bench drilling, ore treatment, construction and maintenance of ore stockpiles, waste dumps, tailings dams and dumps, etc. ALSO show tonnes mined or treated. Any costs associated with care and maintenance on an idle mining operation can also be shown here.

C. ABORIGINAL HERITAGE SURVEYS

A copy of any survey undertaken to be lodged with the Registrar, Aboriginal Sites, Aboriginal Affairs Department as soon as practicable, where the cost of conducting it is claimed for expenditure purposes. Evidence of lodgement of the survey must be provided to the Department of Minerals and Energy.

D. ANNUAL TENEMENT RENT AND RATES

Rental and local government rates, paid in connection with the mining tenement each year.

E. ADMINISTRATION AND OVERHEADS

All non-field activities such as head office costs, accounting, mining tenement management, administration, research, literature studies, training, etc.

F. LAND ACCESS/NATIVE TITLE

All other native title and land access costs including private land access costs but excluding payments for compensation.

N.B. The amount allowed under E and F not to exceed 20% of the minimum expenditure commitment or the total expenditure incurred on activities, whichever is the greater.

NON-ALLOWABLE EXPENDITURE

5. This includes the following —
- (a) cost of marking-out of mining tenements;
 - (b) acquisition costs of tenements and associated expenses;
 - (c) research activities not directly related to a specific tenement; and
 - (d) compensation payments.

MINERAL EXPLORATION REPORTS

6. The date for lodging a combined mineral-exploration report, on a group of two or more mining tenements, can be varied to a common reporting date, if prior written approval has been obtained from the Director of the Geological Survey in accordance with **section 115A(4)** of the Act and the **guidelines**.
7. The format and contents of all mineral-exploration reports must be to the satisfaction of the Minister in accordance with the **guidelines**.
8. All data in mineral-exploration reports will be kept confidential by the Department and may be available for release in accordance with regulation 96.

COPYRIGHT

9. Each mineral-exploration report must show that written authorization has been provided by the tenement holder(s), or any other person who is the owner of copyright for any data contained in the report, to allow the Minister to release all information in the report in accordance with regulation 96.

EXEMPTION FROM EXPENDITURE CONDITIONS

10. A tenement holder or an authorized agent can apply for an exemption from expenditure on a mining tenement in accordance with section 102 of the Act. Such application should be lodged with the Mining Registrar.

ATTACHMENT 1

**SUMMARY OF MINERAL EXPLORATION AND/OR
MINING ACTIVITIES**

(Complete in accordance with instructions on pages 3 and 4.)

Tenement Type:	<input style="width: 90%;" type="text"/>	Number:	<input style="width: 90%;" type="text" value=" /"/>
Reporting Period:	From:	<input style="width: 40%;" type="text" value=" / /"/>	To:
		<input style="width: 40%;" type="text" value=" / /"/>	
<u>A. Mineral-Exploration Activities</u>			
<u>B. Mining Activities (Development and Production)</u>			
<u>C. Aboriginal Heritage Surveys</u>			
<u>D. Annual Tenement Rent and Rates</u>			
<u>E. Administration and Overheads</u>			
<u>F. Land Access/Native Title</u>			
TOTAL EXPENDITURE			\$ <input style="width: 150px; height: 20px;" type="text"/>

Itemize as appropriate.

Use a separate sheet if necessary.

A copy of this page can be obtained by any person on the payment of the prescribed fee in accordance with regulation 96(3).

ATTACHMENT 2

SUMMARY OF PROSPECTING AND/OR SMALL SCALE MINING ACTIVITIES

(Complete in accordance with instructions on pages 3 and 4)

Tenement Type:	<input style="width: 90%;" type="text"/>	Tenement No:	<input style="width: 90%;" type="text"/>
Reporting Period:	From: <input style="width: 40%;" type="text"/>	To:	<input style="width: 40%;" type="text"/>
A. General Prospecting Activities			
Metal Detecting:			
No. of days worked	<input style="width: 40%;" type="text"/>	at \$	<input style="width: 40%;" type="text"/>
Loaming, panning, sampling, dollying, dry-blowing:			
No. of days worked	<input style="width: 40%;" type="text"/>	at \$	<input style="width: 40%;" type="text"/>
Costeaning/trenching:			
No. excavated	<input style="width: 40%;" type="text"/>	No. of days	<input style="width: 40%;" type="text"/>
Other activities (specify):			
<input style="width: 40%;" type="text"/>	No. of days worked	<input style="width: 40%;" type="text"/>	at \$ <input style="width: 40%;" type="text"/>
<input style="width: 40%;" type="text"/>	No. of days worked	<input style="width: 40%;" type="text"/>	at \$ <input style="width: 40%;" type="text"/>
<input style="width: 40%;" type="text"/>	No. of days worked	<input style="width: 40%;" type="text"/>	at \$ <input style="width: 40%;" type="text"/>
Plant and equipment hire:			<input style="width: 40%;" type="text"/>
Fuel, oils, etc.:			<input style="width: 40%;" type="text"/>
Field supplies (food consumables, etc.):			<input style="width: 40%;" type="text"/>
SUBTOTAL (A)			\$ <input style="width: 40%;" type="text"/>

AND/OR

B. Small Scale Mining Activities			
Construction:			
No. of days worked	<input style="width: 40%;" type="text"/>	at \$	<input style="width: 40%;" type="text"/>
Development:			
No. of days worked	<input style="width: 40%;" type="text"/>	at \$	<input style="width: 40%;" type="text"/>
Construction materials:			
			<input style="width: 40%;" type="text"/>
Plant and equipment hire:			
			<input style="width: 40%;" type="text"/>
Fuel, oils, etc.:			
			<input style="width: 40%;" type="text"/>
Field supplies (food consumables, etc.):			
			<input style="width: 40%;" type="text"/>
Tonnes of ore/rock/dirt mined or treated:		<input style="width: 40%;" type="text"/>	
SUBTOTAL (B)			\$ <input style="width: 40%;" type="text"/>

Aboriginal Heritage Surveys:	SUBTOTAL (C)	<input style="width: 40%;" type="text"/>
<small>(a copy must be lodged with the Registrar of Aboriginal Sites)</small>		

Annual Tenement Rent and Rates:	SUBTOTAL (D)	<input style="width: 40%;" type="text"/>
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Administration/Overheads/Native Title:	SUBTOTAL (E)	<input style="width: 40%;" type="text"/>
<small>(not to exceed 20% of the minimum expenditure commitment or total expenditure on the activities shown at subheadings (A) & (B), whichever is greater)</small>		

TOTAL EXPENDITURE (add SUBTOTALS A to E)	\$ <input style="width: 40%;" type="text"/>
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A copy of this page can be obtained by any person on the payment of the prescribed fee in accordance with regulation 96(3).

- (2) The First Schedule is amended in Form 9 by deleting “91)” and inserting instead —
 “ 91A, 91B) ”.

13. Second Schedule amended

- (1) The Second Schedule is amended in item 1 by deleting “Graticular exploration licence per block..... Reg. 18 82.40” and inserting instead —

“

Graticular exploration licence		
(a) one block	Reg. 18	200.00
(b) more than one block (per block)	Reg. 18	82.40

”.

- (2) The Second Schedule is amended in item 2 in the subitem relating to Application fee for an Exploration Licence (one block) by deleting “400.00” and inserting instead —

“ 100.00 ”.

- (3) The Second Schedule is amended by deleting item 11A and inserting the following item instead —

“

- 11A. Copy of front page of Form 5, together with either Attachment 1 — “Summary of Mineral Exploration/Mining Activities” or Attachment 2 — “Summary of Prospecting and/or Small Scale Mining Activities”, as the case may be Reg. 96(3) 4.60

”.

By Command of the Governor,

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