
MINERALS AND PETROLEUM

MP301

Mining Act 1978

Mining Amendment Regulations (No. 2) 2018

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Mining Amendment Regulations (No. 2) 2018*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on 1 July 2018.

3. Regulations amended

These regulations amend the *Mining Regulations 1981*.

4. Regulation 86AA amended

- (1) In regulation 86AA(8) and (9) after “gold bearing material” (1st occurrence) insert:

(other than material to which subregulation (9A) applies)

- (2) After regulation 86AA(9) insert:

- (9A) If gold bearing material is exported from Australia as a concentrate or as crushed or screened material (that is, not in the form of a metal) —

- (a) gold metal is to be regarded as being produced from the gold bearing material at the time when the ship used to export the material arrives at the place where the material is to be unloaded; and
- (b) the amount of gold metal that is to be regarded as being produced from the gold bearing material is —
 - (i) the payable gold metal content of the material as ascertained by the Director General of Mines from the invoice or invoices for the material or assays of the material; or
 - (ii) if ascertaining the amount described in subparagraph (i) is not practicable — the amount determined by the Director General of Mines, after consultation with the person liable to pay the royalty, to be a reasonable estimate of the gold metal content.

- (3) In regulation 86AA(10):

- (a) in paragraph (b) delete “amount,” and insert:

amount; or

- (b) after paragraph (b) insert:

- (c) after an amount has been determined under subregulation (9A)(b)(ii) to be a reasonable estimate of the gold metal content of gold bearing material, the Director General of Mines is satisfied by information given by the person liable to pay the royalty that the payable gold metal content of the material differs from the estimated amount,

- (4) In regulation 86AA(11) insert in alphabetical order:

invoice, for gold bearing material, means an invoice (other than an interim invoice) for the sale of the material or the metal or mineral content of the material;

payable gold metal content, of gold bearing material, means the gold metal content of the material ascertained, on a payable basis (which includes taking into account a fair and reasonable estimate of refining or smelting losses), from assays of the material;

N. HAGLEY, Clerk of the Executive Council.
