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[1969

Crown Law Department,
Perth, 22nd January, 1969.

THE undermentioned Regulations made under the provisions of the Mining Act, 1904, and amended from time to time up to and including the 26th November, 1968, are reprinted as so amended pursuant to the Reprinting of Regulations Act, 1954, by authority of the Minister for Justice.

W. J. ROBINSON,
Under Secretary for Law.

Mining Act, 1904.

REGULATIONS.

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Reprinted pursuant to the Reprinting of Regulations Act, 1954, by authority of the Minister, dated 21st January, 1969.

MINING ACT, 1904-1968.

REGULATIONS.

These Regulations are divided into parts and divisions as follows:—

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Part II.—Miners' Rights (3 and 4).

Part III.—Mining Tenements, other than Leases.

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Amended by
G.G.
18/12/25,
p. 3060.

PART I.—PRELIMINARY.

1. In these Regulations, unless the context otherwise indicates, the terms used have the meanings assigned to them by the Mining Act, 1904, and by the different Parts thereof when these Regulations deal with the sections contained in those particular Parts, and the following words and expressions have the meanings herein set against the same respectively, viz.:—

“The Act”—The Mining Act, 1904, as amended.

“The Department of Mines”—The Head Office of the Department of Mines at Perth.

“The Holder”—The person registered as the holder of the Mining Tenement referred to, or of an interest therein, or the holder of an unregistered alluvial claim.

“Lessee”—An applicant for or the holder of a lease, and includes a number of lessees corporate or unincorporate.

Reg. 1
amended by
G.G.
5/11/1957,
p. 3097.

"Local Newspaper"—A newspaper published in or generally circulating in the district or place in which the land, the subject matter of any notice required to be published in a local newspaper, is situated.

"Metallic Minerals"—Ores or minerals commonly used as sources of metals.

"Non-metallic Minerals"—Ores or minerals not commonly used as sources of metals.

"Payable Quantity" or "Payable"—When a quantity of earth containing gold or mineral is disclosed which, in the opinion of the Warden, is sufficient to pay current wages to the men required to work the particular mining tenement referred to in addition to other working expenses.

"Person"—Includes any body of persons corporate or unincorporate.

"The Warden or the Mining Registrar"—The Warden or the Mining Registrar of the Goldfield, Mineral Field, or District where the land is situated for which application for a mining tenement is about to be made or for which a mining tenement exists or has been granted.

2. [Revoked by Government Gazette 5/11/1957, p. 3097.]

PART II.—MINERS' RIGHTS.

3. A miner's right shall be in the form No. 1 in the Schedule. A consolidated miner's right shall be in the form No. 2 in the Schedule. They will be issued respectively, in accordance with the provisions of the Act, upon payment of the prescribed fees. Before issuing a miner's right, the Minister or Warden may require such evidence as he thinks necessary to satisfy him that none of the parties interested in the application are disqualified under Sections 23 and 24 from holding or being interested therein.

4. Upon application to a Warden or Mining Registrar by the holder of a miner's right for registration of any mining tenement other than a mining lease, he shall produce his miner's right as evidence of his right to take possession of and mark off the ground comprised therein. If such miner's right has been issued by a Warden other than the one to whom the application is made and in whose district the land is situated, the latter shall record the particulars of such miner's right.

PART III.—MINING TENEMENTS OTHER THAN LEASES.

Division 1.—Prospecting and Reward Areas.

5. A miner who desires to prospect for gold or minerals, other than coal, on Crown land may mark off, apply for, and hold land for such purpose under Section 26, but the maximum area shall be as follows:—

(a) Outside the limits of a goldfield or mineral field, or more than fifty miles from the nearest mine as defined in Regulation 16, forty-eight acres;

(b) Within the limits of any such field, twenty-four acres.

Every such area shall be called a Prospecting Area.

The Warden may, in his discretion, refuse to register any Prospecting Area, or may register it as of less extent than that applied for.

But no Prospecting Area shall be granted to or held by any miner within a distance of one mile from any lease or claim in which he has any interest.

5a. If at any time during the term of a prospecting area the Warden is satisfied that alluvial gold exists thereon, he may require the holder within 14 days of such requisition to select and apply

Reg. 5a
added by
G.G. 13/2/31,
p. 697.

for a reduced prospecting area out of and in lieu of the original area. In fixing the dimensions of such reduced area, the provisions of regulation 16 shall, *mutatis mutandis*, apply. The holder shall, within the time aforesaid, at his option, have the preferment right to apply for the ground comprising the original prospecting area as a gold mining lease. On the holder duly making a selection of a reduced area, or if the holder fails to exercise his right with the time hereby limited, the Warden shall declare the balance or the whole, as the case may be, of the original prospecting area open for alluvial claims.

6. A miner who desires to prospect for coal on Crown land may mark off, apply for, and hold for that purpose an area, as a prospecting area, not exceeding three thousand acres in extent.

7. When a Prospecting Area for coal has been registered, the Warden may refuse to register any similar prospecting area situated within ten miles of the nearest point of the prospecting area already registered, or he may register the new area with such less extent as he may think fit. A miner may, however, mark off and apply for registration of a prospecting area for gold or any other mineral, except coal, within a prospecting area already registered for coal, and the same may be registered at the discretion of the Warden.

8. On receipt of an application for registration of a prospecting area the Mining Registrar may, if no prior right or public interest is thereby affected, register the same forthwith, but before so doing he may require the applicant to comply with Regulation 153 as to the posting of notices, and if within the period allowed for objections none have been lodged he may grant the registration, or may refer the application to the Warden for his decision. If an objection is lodged within the period allowed he shall defer registration until the objection has been heard and determined by the Warden, and he shall act in accordance with the decision of the latter.

9. All rights vested in the holder of a Prospecting Area shall remain in force for a period of twelve months from date of registration: Provided that during such period he holds a miner's Right and forthwith notifies any renewal thereof during the term to the Mining Registrar. The holder may, before the expiration of the twelve months for which his rights remain in force, subject to the approval of the Warden and on payment of the prescribed fee, have the period extended for a further six months, but no longer.

10. *Bona fide* work in prospecting must be carried on, on every Prospecting Area for gold or minerals other than coal, on every working day after ten clear days from the date of registration.

If the area is one registered under (a) of Regulation 5, it shall be so worked by one man if the area does not exceed twenty-four acres, and by two men if it exceeds twenty-four acres.

If the area is one registered under (b) of Regulation 5 it shall be so worked by one man if the area does not exceed twelve acres, and by two men if it exceeds twelve acres.

A Prospecting Area for coal must be similarly worked after the expiration of thirty clear days from the date of registration by not less than three men for every one thousand acres or fraction thereof. And within twenty-one days after the expiration of every alternate month after registration the holder shall forward to the Warden or Mining Registrar a statement and declaration in the form No. 3 in the Schedule.

If any Prospecting Area be not so worked, or if any work other than *bona fide* prospecting is carried on, it shall be liable to be forfeited in accordance with the provisions contained in these Regulations; but the Warden shall not be bound to declare the same forfeited if he is satisfied that non-compliance with the conditions of this regulation arose through some good and sufficient cause.

- (b) Exceeding one mile and not exceeding three miles—
- | | |
|--------------------------------------------------|-------------|
| For gold, metallic minerals, and precious stones | two acres. |
| For all other minerals | four acres. |
- (c) Exceeding three miles and not exceeding ten miles—
- | | |
|--------------------------------------------------|--------------|
| For gold, metallic minerals, and precious stones | four acres. |
| For all other minerals | eight acres. |
- (d) Exceeding ten miles—
- | | |
|--------------------------------------------------|----------------|
| For gold, metallic minerals, and precious stones | eight acres. |
| For all other minerals | sixteen acres. |

17. A Reward Claim may be held in addition to and adjoining any ordinary claim or lease which the holder of the Reward Claim may desire to acquire.

18. It shall not be necessary to comply with labour conditions on any reward claim granted in conjunction with any ordinary claim which adjoins if the labour conditions in respect of the latter are duly complied with; but a reward claim held alone shall be worked by at least one man. Should the holder of a reward claim be granted a lease of the ground adjoining his reward claim, it shall not be necessary to employ any further labour on the reward claim while the labour conditions affecting the lease are complied with.

19. The discoverer of payable gold or mineral in any prospecting area or locality other than on a lease or claim who duly reports his discovery may, if he thinks fit, in lieu of a reward claim being allotted to him, apply for a reward lease, provided that the ground is not exempt from leasing. Such application may be granted subject to the following conditions:—

- (a) The area and term of the lease shall not exceed the area and term of an ordinary mining lease for the same metal or mineral.
- (b) The lease shall not be granted within a distance of one mile from any mine (other than a prospecting area) upon which mining operations for the same metal or mineral are being or have been carried on within six months immediately preceding the date of the discovery.

20. If desirous of obtaining a reward lease the discoverer shall, at the time of lodging the report of his discovery with the Warden, also lodge an application for a reward lease in triplicate in the form No. 9 in the Schedule with a fee of one dollar in lieu of the rent and survey fee payable on application for an ordinary mining lease. In all other respects the regulations relating to the granting of ordinary mining leases shall apply to such application.

21. Upon a reward lease being granted the rent reserved thereby may be remitted for any period not exceeding five years. The length of the period of remission shall be fixed according to the distance of the reward lease from the nearest mine, as defined in Regulation 16. The rent may be remitted for five years if the distance is ten miles or over, and for one or more years, at the discretion of the Minister, if the distance is less than ten miles.

22. Within thirty days from the expiration of the period for which the rent of a reward lease has been remitted, the rent to the end of the then current year shall be paid as provided in these Regulations, or the lease will be liable to forfeiture in the same manner as an ordinary mining lease.

23. Except with the approval of the Minister first obtained no transfer, assignment, or mortgage shall be registered affecting any reward lease for which the rent has been remitted during the period of remission, unless the lessee, or some other person on his behalf,

shall at the time of lodging the same tender the whole amount of the rent from the commencement of the lease to the end of the year then current and also the survey fee which would have been payable on the granting of the lease had it been an ordinary mining lease.

24. The labour conditions affecting a reward lease shall be the same as those prescribed for an ordinary mining lease for the same metal or mineral, including the like rights as to exemption.

25. No reward will be paid to the discoverer of payable gold under Section 12 unless he has complied with the following terms and conditions:—

- (1) The discoverer shall be deemed to be the person who first finds payable gold in accordance with the provisions of the section and who marks out and makes application for a mining tenement and reports the discovery in accordance with the terms of Regulation 14.
- (2) He shall further, at the same time, report in writing to the Warden all particulars as to the locality, the route thereto, the quantity of gold obtained, and the nature of the workings.
- (3) If two or more parties discover payable gold in accordance with the provisions of the Section in localities immediately adjacent, and comply with the terms of this regulation, any award which the Governor in his discretion may grant, shall be divided in such manner as the Governor shall direct amongst the persons constituting the several parties who have made the discovery.
- (4) The amount of every award shall be based on the distance of the discovery from the nearest place where payable gold has prior thereto been discovered and on the number of men (not being less than 100) employed within a radius of five miles from the new discovery within six months therefrom or within such further time as the Governor may determine.

[Regs. 26 to 38 repealed. See G.G. 23/4/37, p. 616.]

Division 2—Claims.

39. A miner may take up and hold any number of Claims, or shares in Claims, subject to his complying with the regulations with regard to labour conditions.

40. It shall not be necessary to register an ordinary alluvial claim, but every such claim shall be taken possession of and marked off in manner provided by these Regulations; and a miner desiring to register the same shall comply with the Regulations relating to registration of claims. All other claims shall be registered.

41. The maximum dimensions and area of claims shall be in accordance with the scale hereunder. Every such claim shall be marked off in the form of a rectangular block, except where existing boundaries interfere.

Scale of One Miner's Ground.

Class of Claim	Nature of Claim	Gold, Silver, and Platinum		All other Metallic Minerals		Non Metallic Minerals		Precious Stones	
		Length in yards	Width in yards	Length in yards	Width in yards	Length in yards	Width in yards	Length in yards	Width in yards
Ordinary	Alluvial	25	25	100	100	125	100	50	50
Do.	Lode	25	130	50	130	75	130	50	130
Extended	Alluvial	50	25	200	100	300	100	100	50

And so on in the same proportion as to length for each additional miner up to, but not exceeding, 10.

The length of every claim shall be along the line of the alluvial lead, the reef, or lode, as the case may be, and the width shall be at right angles thereto.

42. An extended alluvial claim may be granted by the Warden—

- (a) in old or abandoned ground, not being in a river, creek, or lake;
- (b) in ground which has been tested to the satisfaction of the Warden and found too poor to pay when worked by the ordinary method, but which can be worked by puddling or sluicing;
- (c) in wet ground where water other than surface water exists and timbering is necessary throughout;
- (d) in rocky ground where blasting within a depth of 50 feet from the surface is necessary in the sinking of the shaft.
- (e) when in his opinion the alluvial is at a depth, not being less than fifty feet, sufficient to warrant the granting of an extended claim.

43. Notwithstanding the width mentioned in the scale in Regulation 41 for any claim in a river or lake, such width shall only be allowed when the river or lake exceeds such distance. In all other cases the width of a river or lake claim shall extend only from bank to bank of the river or lake.

44. The holder of a claim in a river or lake shall form and maintain a sufficient flood-race through or past such claim, and no person shall mine within 10 feet on either side thereof without first having himself provided an additional flood-race to the satisfaction of the Warden.

45. Lode claims may be marked off on either side of the supposed line of reef, at the option of the miner.

46. All dealings affecting registered claims shall be registered at the Warden's office.

47. When two or more claims adjoin, and the natural difficulties of working the same, or other sufficient cause, render the joint working thereof advisable, such claims may be registered as one claim upon application to the Warden in the form No. 5 in the Schedule signed by partners together holding at least two-thirds of each claim.

The applicants shall deposit with the application all the certificates of registration held by them with the prescribed fee. Upon receipt thereof the Warden may, if he thinks fit, grant registration of the new claim, and he shall thereupon issue a certificate in the form No. 6 in the Schedule, and a certificate of registration of each share therein in the form No. 27 in the Schedule.

48. All claims other than lode claims shall, from and after the expiration of three clear days from the date of marking off in the case of unregistered claims and of registration in the case of registered claims, be efficiently worked by one man for every one man's ground comprised therein.

49. Every lode claim shall, from and after the expiration of three clear days from the date of registration, when not payable, be efficiently worked by one man for every two men's ground, or fraction thereof, comprised in the claim; and, when payable, by one man for each man's ground or fraction thereof.

50. Every claim shall be worked continuously and efficiently on every working day unless exemption or partial exemption from working the same has been granted by the Warden. Every claim not so worked shall be liable to forfeiture at the discretion of the Warden on the application of any miner in the manner prescribed

by these Regulations; but it shall not be necessary to work on any claim during any general exemption, or on a public holiday, or during any general cessation of work caused by flood, rain, or drought.

51. No claim shall be forfeited if the holder thereof proves to the satisfaction of the Warden that he or someone on his behalf has been working in connection therewith though not actually thereon, or if he is unable to work the same owing to sickness, attendance at a court of justice, or by reason of any sudden emergency.

52. The Warden may require the holder of any claim, at the time of making application for the registration thereof, to deposit the prescribed survey fee.

53. Every claim registered at the date when these Regulations come into force, which has not previously been surveyed, shall be surveyed if required by the Warden. In such case the Warden shall serve notice on the holder to deposit within a time specified in the notice, not being less than one month or more than three months from the date thereof, the prescribed survey fee. If such fee is not so deposited the Warden may deem the claim to be abandoned and may forthwith cancel registration thereof.

54. (1) A miner may, subject to the provisions of these Regulations, take possession of and hold any number of claims for dredging for gold or minerals in lakes, swamps, marshes, or rivers, and the land adjoining thereto, or on the foreshore of and the land under the ocean under the circumstances following, viz:—

Reg. 54
amended by
G.G. 3/3/67,
p. 623.

- (a) When the ground applied for has previously been worked for alluvial gold or minerals and abandoned.
- (b) When the known poverty of the ground warrants such claims.
- (c) When such ground is only suitable for dredging on account of its excessive wetness, or on account of the costliness of the appliances required to work it.

(2) The maximum area of a dredging claim shall not exceed three hundred acres, and, except in the case of river claims, the minimum width thereof at right angles to the shore edge or bank shall not be less than 15 chains. In the case of river claims there shall be no restriction as to the width thereof, but no such claim shall exceed six miles in length.

(3) Dredging claims shall be taken possession of and marked off as prescribed in Regulation 147: Provided that it shall only be necessary to erect posts or cairns at each end of the claim, and at each angle thereof on the shoreward edge or bank; the opposite boundaries shall be deemed to be parallel to the marked boundaries. At each end of the claim a tree (if available) shall also be marked with a distinguishing mark. If in any case one of the angle posts or cairns is not visible from the next succeeding angle post or cairn, there shall be erected so many intermediate posts or cairns as may be necessary to render each visible from the next in succession throughout the length of the claim.

(4) The holder of two or more contiguous Dredging Claims that do not exceed, in the aggregate, 4,000 acres may apply, in the manner provided by subregulation (4a) of this regulation for the amalgamation of the claims, if the greatest side of the area comprising the claims so amalgamated would not exceed six miles, in length; and the Minister may grant the application, accordingly.

(4a) An application made pursuant to subregulation (4) of this regulation shall be made in the form of Form 13 in the Schedule to these regulations, signed by the holder of the claims or some person authorised by him in writing in that behalf, be accompanied by the appropriate fee, as set out in Form 57 of the Schedule, and be lodged with the Warden or Mining Registrar.

(4b) Upon receipt of an application made pursuant to subregulation (4), and in conformity with subregulation (4a), of this regulation, the Warden shall send it forward to the Minister with

a recommendation that it be granted or refused, as the case may require, and, where the Warden recommends that the application be granted, he may permit the holder of the claims to concentrate the labour required to be employed on them severally on any one of them, pending the decision of the Minister.

(4c) Upon approval by the Minister of an application to amalgamate Dredging Claims, the holder of the claims shall be issued with a certificate of amalgamation in the form of Form 14 in the Schedule to these regulations.

(5) Application for registration of a Dredging Claim shall be made as prescribed in Regulation 153, and shall be advertised once in a local newspaper within fourteen days of the application being lodged, and within thirty days of the lodging of the application, any person may lodge an objection in duplicate, in the Form No. 25 in the Schedule. Should no objection be lodged within the time specified, the Warden or Inspecting Surveyor may issue to a mining surveyor instructions to survey the claim without delay, and to furnish an accurate plan and tracing thereof, together with a report and such other particulars as the Warden or Inspecting Surveyor may require. Should any objection be lodged, instructions for survey shall not be issued until after the Minister's approval, as hereinafter provided for, is notified; but the Warden may order the survey to be made before reporting on the application to the Minister.

(6) Before granting registration the Warden shall obtain a report on the application from the Inspector of Mines, or any officer or person appointed by him for that purpose. The application and objections, if any, shall be heard in open Court by the Warden, who shall, as soon as conveniently may be, submit the application and report, together with his recommendation thereon, for the approval or otherwise of the Minister, and the Minister may, notwithstanding anything contained in these Regulations prior to approving the application, impose such conditions as to him may seem fit. Registration by the Warden shall be granted only on the conditions imposed by the Minister.

(7) The rent to be deposited with an application for a Dredging Claim shall be at the rate of twenty-five cents per acre per annum, calculated from the first day of the quarter of the year, as set forth in Regulation 238, in which the application is made to the thirty-first day of December next following. Every subsequent payment shall be made as prescribed in the abovementioned Regulation.

(8) The holder of a Dredging Claim shall, after three months from the date of registration of the claim or such extension of that period, not exceeding three months, as the Warden may allow, continuously employ on the claim three men for every integer of 100 acres or part of that area; but the holder of Dredging Claims that have been amalgamated pursuant to subregulation (4) this regulation may, in lieu of employing men as by this regulation provided, continuously employ machinery and equipment to the value of four thousand dollars for every integer of 100 acres or part of that area comprised in the claims as so amalgamated.

(9) Exemption from the conditions prescribed may be granted by the Warden after application in the prescribed manner.

(10) Failure to comply with the conditions prescribed or with these Regulations shall render the claim liable to forfeiture, as provided in the Regulations.

(11) Any dredging claim in the bed of a river which may be registered under these Regulations shall be held subject to the condition that any person who may, at the time of registration, hold any mining tenement on the banks of the river, or in the vicinity of the same, or who may thereafter lawfully take up or acquire any such tenement, shall not, in consequence of the granting of registration of such dredging claim, be restrained from discharging the tailings waste water, or *debris* from his tenement into such river, and

the holder of any such dredging claim shall have no right of action against any such person for so discharging tailings, waste or *debris* into such river, anything in these Regulations to the contrary notwithstanding.

(12) When for the purpose of enabling the holder of a dredging claim to work the ground to the full extent at or near to any of the boundaries thereof, it may be necessary for him to enter upon any other mining tenement adjoining such boundaries, he may do so, and thereon by himself, his workmen and agents, use and employ his dredge, machinery, and appliances, and do all things necessary and requisite for working his said ground, subject, however, to the following conditions:—

- (a) He shall, before making such entry, give to the holder of the adjoining tenement and to the Warden at least fourteen clear day's notice of his intention so to do.
- (b) He shall, before commencing to work, give security to the satisfaction of the Warden by bond with a surety or sureties, or by deposit to compensate the holder of the adjoining tenement for any loss or injury to the improvements thereon or to the beneficial enjoyment thereof that may be sustained in consequence of such entry and work.

55. (1) A miner may, subject to the provisions of these regulations, take possession of and hold any number of claims (in this regulation called Mineral Claims), for mining minerals (excepting coal).

Reg. 55
amended by
G.G.
13/9/29,
p. 2057;
G.G.
4/10/40,
p. 1786;
G.G.
4/6/43,
p. 587;
G.G.
10/3/44,
p. 173;
G.G.
25/3/55,
p. 560;
G.G.
4/12/57,
p. 3502;
G.G.
12/2/60,
p. 337;
G.G.
8/6/61,
p. 1740;
G.G.
29/12/61,
p. 3962;
G.G.
3/3/67,
p. 624.

(2) The maximum area of a Mineral Claim mentioned in paragraph 1 of this Regulation shall not exceed 300 acres, and the length of the claim shall not, except with the approval of the Minister, exceed twice its breadth.

(3) Mineral Claims for the minerals mentioned in Clause 1 shall be taken possession of and marked off as prescribed in Regulation 147.

(4) Two or more Mineral Claims, the property of the same person, the aggregate area of which does not exceed 4,000 acres, may, in the discretion of the Minister, be amalgamated on application in the form of Form 13 to these regulations and on payment of the prescribed fee.

(4a) Upon approval by the Minister of an application to amalgamate Mineral Claims, the holder of the claims shall be issued with a certificate of amalgamation in the form of Form 14 in the Schedule to these regulations.

(5) Application for registration of a Mineral Claim shall be made as prescribed in Regulation 153, and shall be advertised once in a local newspaper within 14 days of the application being lodged; and within 30 days of the lodging of the application any person may lodge an objection in duplicate in the form No. 25 in the Schedule.

(6) Should no objection be lodged within the time specified, the Warden or Inspecting Surveyor may issue to a mining surveyor instructions to survey the claim without delay and to furnish an accurate plan and tracing thereof, together with a report and such other particulars as the Warden or Inspecting Surveyor may require.

Should any objection be lodged, instructions for survey shall not be issued until after the Minister's approval, as hereinafter provided for, is notified, but the Warden may order the survey to be made before reporting on the application to the Minister.

(7) Prior to the hearing before the Warden, a report shall be obtained from the Government Geologist or other professional officer. The application and objections (if any) shall be heard in open Court by the Warden, who shall as soon as convenient submit the application and report, together with his recommendation thereon, for the consideration of the Minister, and the Minister may,

notwithstanding anything contained in this Regulation, refuse the application or approve the application for the whole or any portion of the area applied for, and may impose such conditions as to him may seem fit.

(8) Registration by the Warden shall be granted subject to the conditions (if any) imposed by the Minister.

(9) The Minister may at any time direct that the holder of any mineral claim be required to apply for a lease, or leases, of the ground held as a mineral claim or any portion of it, and upon the expiration of three months from the date of notice of such requirement, the Warden shall, if so directed by the Minister, cancel the registration of the Mineral Claim.

(10) The rent to be deposited with an application for a Mineral Claim shall be at the rate of twenty-five cents per acre per annum, calculated from the 1st day of the quarter of the year, as set forth in Regulation 238, in which the application is made to the 31st day of December next following. Every subsequent payment shall be made as prescribed in the abovementioned Regulation.

(11) The provisions of subregulation (3) of regulation 54 apply, with such adaptations as may be necessary, to Mineral Claims.

(12) The Minister may, by a license under his hand, dispense with the performance of the condition to work the Mineral Claim, if, upon application in the prescribed manner, he is satisfied that the claim holder has made reasonable efforts to work and develop the claim, and that continued working would result in unnecessary loss to the claim holder.

Any such license to be for a period not exceeding six (6) months, and shall be subject to such conditions as the Minister may think fit.

The license may be renewed from time to time for any further period not exceeding six (6) months upon a fresh application and subject to such conditions as the Minister may think fit.

(13) Failure to comply with the provisions of this Regulation or the prescribed conditions shall render the claim liable to forfeiture.

(14) ¹In the case of any Mineral Claim granted under this Regulation, the following provisions shall apply: —

- (a) At any time after the expiration of twelve months from the date of approval of the Mineral Claim, any miner may apply for a prospecting area of any land the subject of such Mineral Claim.
- (b) The Warden shall thereupon obtain a report from the Government Geologist or other professional officer.
- (c) Should any officer report that prospecting cannot be carried on without detriment to the working by the claim holder of the mineral specified in the Mineral Claim, the Warden shall refuse the application; but if such officer reports that prospecting can be so carried on, the Warden shall thereupon refer the application, with a recommendation, to the Minister.
- (d) The Minister may, in his discretion, grant the application on such terms as he thinks fit; provided that no such prospecting area shall be granted within three hundred feet of the buildings, machinery, or workings on the Mineral Claim, unless the applicant shall first deposit with the Warden the estimated amount of any damage likely to be done to such buildings, machinery, or workings, to be determined by the Warden.

(15) Should the holder of any such prospecting area make application for a claim or lease of any of the land comprised therein for the working of gold or a mineral other than that for which the Mineral Claim has been granted, the Mineral Claim holder shall surrender to the Crown such portion of his claim as

¹ Section 28B of the Mining Act, 1904, as follows:—

Reg. 55 (14)
validated.

28B. Subregulation (14) of regulation 55 of the Regulations, which was published in the *Government Gazette* on the 4th December, 1925, shall be deemed to have taken effect and to have had the force of law from that date.

may, in the opinion of the Minister, be necessary for the working of such gold or mineral deposit: Provided that no surrender shall be required on any such application:—

- (a) Unless it is proved to the satisfaction of the Minister, by report from the Government Geologist or other professional officer, that such gold or mineral deposit exists; or
- (b) Until after the expiration of such notice to the Mineral Claim holder as the Minister shall deem reasonable; or
- (c) Without the consent of the Mineral Claim holder until after the expiration of three months' notice to the Mineral Claim holder, or such longer notice as the Minister may deem reasonable, unless the area applied for shall have been previously worked out by the Mineral Claim holder.

Provided also that such portion or portions only of the surface of the Mineral Claim shall be required to be surrendered as, in the opinion of the Minister, are necessary for the proper working of the gold or mineral deposit, and not for machinery or other purposes. Provided further, that if the discovery of gold or mineral deposit is the direct result of the Mineral Claim holder's operations, the Mineral Claim holder shall have the preferential right for 14 days of the discovery to apply for a mining lease or leases thereof.

Provided further, that should the Mineral Claim holder fail to surrender the land deemed by the Minister to be necessary for the working of the gold or mineral deposit, within 30 days of the date specified in the notice as aforesaid, the land shall be deemed to have been surrendered and may be dealt with accordingly.

(16) The Minister may at any time direct that the holder of any Mineral Claim for limestone or for gypsum be required to sell such proportion as the Minister may deem reasonable and practicable of the mineral product of such claim, for use as a fertiliser for agricultural purposes; and the Minister may from time to time, by notice in writing to the said holder, in accordance with the provisions of these regulations, fix the price of such proportion of the product at a rate which will allow a reasonable profit to the holder based upon his actual average cost of production thereof, and may impose such other terms and conditions as he may deem to be reasonable.

Division 3.—Water Rights.

56. Water Rights shall be of six classes, as follows:—

- (a) A Stream Water Right entitling the holder thereof to take from any river, whether the supply of water in such river be permanent or intermittent, such maximum quantity of water as may be fixed by the Warden on the granting of the right, and shall include the right to such area of land as may in the opinion of the Warden be necessary for erecting works and machinery at the point of intake for the purpose of taking such water; provided that no prior right is prejudiced or injury of a public or private nature is caused thereby.
- (b) A Lagoon, Lake, Spring, or Swamp Right entitling the holder thereof to take from a lagoon, lake, spring, or swamp such maximum quantity of water as may be fixed by the Warden on the granting of the right, and shall include the right to such area of land as may in the opinion of the Warden be necessary for erecting works and machinery at the point of intake for the purpose of taking such water, provided that no prior right is prejudiced or injury of a public or private nature is caused thereby.
- (c) A Watershed or Storm-water Right entitling the holder thereof to collect the rain-water that may fall upon the watershed approved by the Warden on the granting of the right, and to construct such catch drains as may be required to collect the rain-water falling on the watershed.

Reg. 56
amended by
G.G.
29/12/61,
p. 3962.
[Amended in
G.G.
27/1/61,
p. 241;
disallowed
G.G.
27/10/61.]

- (d) A Dam, Tank, or Reservoir Water Right entitling the holder thereof to construct dams, tanks, or reservoirs for the storage of such water as may by any means be delivered into the same, and to erect such buildings, machinery, dwellings, and appliances as may be required for the due working of such Water Right.
- (e) A Subterranean Water Right entitling the holder thereof to bore or sink for and collect subterranean water in any quantity in any manner from any source below the surface area occupied by virtue of such Water Right and within the vertical planes produced from its boundaries.
- (f) A Race or Pipe Track Water Right shall mean the right to occupy, for the purpose of cutting a race or for laying a water-pipe on or underneath the surface of Crown land and any mining tenement, such area as may be fixed by the Warden on the granting of the right.

A Race Water Right shall entitle the holder to cut, construct, and maintain a water race or use as a water race any natural channel on such land as may be fixed by the Warden on the granting of a right.

When a Race Water Right has been granted for the purpose of a tail-race it shall, during its currency entitle the holder to cut, construct, maintain, and use the race in order to carry off water, tailings, sludge, and other refuse from mining operations, or to serve as a ground-sludge or race for saving gold or minerals, provided that the holder shall not be entitled to treat any portion of such tail-race as a ground-sludge or race for saving gold or minerals excepting such portion as may be approved by the Warden on the granting of the application.

Such area shall not be fenced except with the approval of the Warden first obtained.

The course of any Race or Pipe Track Water Right may at any time be deviated, and the Warden may make an order for such deviation should he consider the same necessary in the public interest.

As to Stream Water Rights.

57. The maximum quantity of water which the holder of a Stream Water Right shall be entitled to take and divert shall not exceed four ground sluice heads or 12 box sluice heads flowing continuously.

A ground sluice head of water is a volume of water three inches deep by 12 inches wide, and for the purpose of measuring the same an open box six feet in length and 12 inches in width with a scale of inches marked on the inner side at the lower end shall be placed as near as practicable at the head of the race by which the water is diverted, and having a fall of not more than six inches in the entire length of the box. The gauge of water as above specified shall be taken at the mouth of the box where the water is discharged into the race. A box sluice head is a volume of water measuring one inch deep and 12 inches wide measured as specified above. When the length of the race exceeds one mile, the width of the box may be increased one half-inch for each mile.

58. When the holder of a Stream Water Right is not using the water to which he is entitled he shall, if required so to do by the Warden, allow the water to flow in its natural channel.

59. If from any cause the supply of water in any river on which a Stream Water Right has been granted shall fail to such an extent as not to allow sufficient water being left in the river for general public use, the Warden may direct that one or more sluice heads shall be left running in the river for such general public use, and that quantity shall be taken from the last registered Water Right until it has no water left, and then from the one last previously registered, and so on, as the supply diminishes.

60. Before making application for a Stream Water Right the applicant or some person authorised on his behalf shall erect a substantial post or cairn of stones, projecting not less than three feet above the surface at or as near as possible to the point of intake of the Water Right. Thereon shall be posted a notice, signed by the applicant or his agent, setting forth the date and hour at which such right was taken possession of. Should the applicant desire to obtain a site for the purpose of erecting works or machinery, such site shall be marked as nearly as possible in the form of a square, and at each corner thereof similar posts or cairns of stones shall be erected, set in the angle of two trenches, not less than four feet long and six inches deep, cut in the general direction of the boundary lines, and on one of such posts shall be posted a similar notice specifying the area of such site. Subject hereto the regulations in Part VII. relating to applications shall apply.

61. The priority of Stream Water Rights derived from a common source shall be determined by priority of date of registration, and in the event of the supply of water being insufficient to supply all such Rights, then the holder of the Right last registered shall forgo his right during such insufficiency as against the holder of the Water Right next previously registered, and so on as the supply diminishes.

62. A Stream Water Right shall be forfeitable by the Warden if from any cause when water is available it is not continuously taken, and, in the opinion of the Warden, properly used, provided no exemption from taking or using such water has been previously obtained and registered.

Lagoon, Lake, Spring, and Swamp Water Rights.

63. The holder of a Lagoon, Lake, Spring, or Swamp Water Right, shall be entitled to take the maximum quantity of water and no more from the Lagoon, Lake, Spring, or Swamp, the source of supply mentioned in the Water Right, by means of pumping works or machinery.

64. The method of taking possession of and marking off and the priority of a Lagoon, Lake, Spring, or Swamp Water Right shall be the same as that provided in the case of Stream Water Rights.

65. There may be charged for every Lagoon, Lake, Spring, or Swamp Water Right, in addition to the fees prescribed in these Regulations, a sum of five cents for every one thousand gallons of water authorised to be taken in every year. The proportionate amount payable for the period between the date of registration and the 31st day of December next following shall be paid in advance at the time of registration, and the further payments shall become due and be payable annually in advance on the 1st day of January in every year.

66. A Lake, Lagoon, Spring, or Swamp Water Right shall be forfeitable for the same causes as Stream Water Rights are forfeitable under these Regulations.

Watershed or Stormwater Rights.

67. Before making application for a Watershed or Storm Water Right the applicant, or some person authorised on his behalf, shall mark out the boundaries of the watershed he proposes to apply for by means of substantial posts, projecting not less than three feet above the surface, firmly sunk in the ground, and not being a greater distance apart than forty chains, and if the contour of the country be of such a character as may require posts at a closer distance, then the applicant shall place the posts sufficiently close to enable the surveyor to easily locate the boundaries. Trenches shall be cut at each post, and subject hereto the regulations in Part VII, relating to applications shall apply.

68. A Watershed or Storm Water Right shall not prejudice or affect the right of the Crown to deal with or dispose of the area of land comprising such watershed, or any part thereof, in the same manner as if the right had not been granted, but no similar water right shall be granted on the same area.

69. The annual rent for a Watershed or Storm Water Right shall be at the rate of five cents per acre, calculated on the total acreage comprised in the watershed, but if such watershed is reduced by the Crown exercising the rights reserved by the last preceding Regulation, the Minister may, on the application of the holder, reduce the rent in proportion to the area by which the watershed has been reduced.

70. A Watershed or Storm Water Right shall not confer on the holder thereof any right to excavate storage dams upon the area comprised therein, but shall be held in conjunction with a Dam, Tank, or Reservoir Right; and in the event of the latter becoming forfeited the registration of the former shall be cancelled.

Dam, Tank, or Reservoir Rights.

71. An applicant for a Dam, Tank, or Reservoir Water Right shall comply with the regulations in Part VII, as to marking off, and applying for same; but the notice to be posted shall specify the dimensions of the proposed Dam, Tank, or Reservoir and its capacity in gallons.

72. No, Dam, Tank, or Reservoir constructed on the area covered by a Water Right of this description shall be mined under or in any way rendered unsafe without the consent of the owner thereof, provided that any miner may, on application to the Warden obtain permission to mine under any Dam, Tank, or Reservoir on such terms and conditions at such depth, not being less than fifty feet from the surface, as the Minister or Warden may prescribe. A Water Right of this class may be fenced, the permission of the Warden being first obtained.

73. A Dam, Tank, or Reservoir Water Right shall be forfeitable by the Warden if the holder neglects for a period of three consecutive months to make proper provision for collecting the rain water from any Watershed or Storm Water Right held by him in conjunction therewith or if he fails to make proper use of such water when available to the satisfaction of the Warden.

Subterranean Water Rights.

74. Except as provided by Regulation 89, no holder of a Subterranean Water Right shall have any claim against the holder of any Mining Tenement who, by boring or sinking thereon, diminishes the supply of water in the shaft or bore of the holder of the Water Right.

75. The area that may be applied for as a Subterranean Water Right shall not be restricted.

76. A Subterranean Water Right shall be marked off and applied for in accordance with the Regulations in Part VII.

77. A Subterranean Water Right shall be forfeitable by the Warden if and when for thirty days from the date of registration the holder or some person on his behalf has not commenced to use the right in a *bona fide* manner, and thereafter if, in the opinion of the Warden, he fails to continue so to do. No such Water Right shall, however, be forfeited if the holder is able to satisfy the Warden that from any cause he is unable to comply with the conditions or any of them, or in the event of exemption having been previously obtained and registered.

Reg. 75
amended by
G.G.
15/5/61,
p. 1224.

Race or Pipe Track Water Rights.

Method of taking Possession.

78. Before making application for a Race or Pipe Track Water Right the applicant, or some person authorised on his behalf, shall erect a substantial post or cairn of stones projecting not less than three feet above the surface at each end of the proposed race or pipe track and on each of such posts or cairns there shall be affixed a notice signed by the applicant or his agent, setting forth the date and hour at which such land was taken possession of, the approximate length of the proposed race or water-pipe, and the course thereof.

Before granting any Water Race or Pipe Track Water Right which passes over any public road, the Warden shall require from the applicant sufficient proof that the local authority consents thereto, and it shall be a condition precedent to the granting of any Water Race or Pipe Track Water Right that wherever the race or water-pipe crosses any mining tenement it shall be constructed in such a manner as not to interfere with the working, use, or enjoyment of such tenement, and wherever any such race or water-pipe crosses any road or footway used by the public, there shall be constructed and kept in repair a good and substantial bridge over the same. Every such bridge shall, when crossing a road, be not less than 12 feet in width, and when crossing a footway, not less than 6 feet in width. The holder of any Water Race or Pipe Track Water Right shall be entitled to a width of 10 feet of land on each side of the race or water pipe for the protection thereof.

Provided that when it is proved to the satisfaction of the Warden that a greater width than 10 feet on each side of a race is necessary he may, in his discretion, grant the same. Provided further, that any such land may be mined upon on compensation to the holder, or upon providing an equally good and convenient race or water-pipe, to the satisfaction of the Warden, in lieu thereof.

It shall be lawful for the Warden from time to time, by order in writing, to authorise any person or persons lawfully engaged in mining operations to use or enlarge, for the purpose of such operations, any tail-race held by any other person (excepting such portion thereof as may lawfully be used as a ground-slucice for saving gold or other minerals), subject to the conditions following:—

- (a) That the persons in whose favour the order is made pay to the holder of the tail-race a proportionate share of the original cost of the construction of such tail-race, or a periodical payment in advance as a rent for the use thereof; and also,
- (b) That if it is proposed to enlarge such tail-race, such enlargement shall be at the sole expense of the persons in whose favour the order is made, and shall be so carried out as not to unduly interfere with the mining operations of the holder of the tail-race; and also,
- (c) Such other conditions as the Warden thinks equitable.

Where an order pursuant to the foregoing regulations has been made, the persons in whose favour it is made shall at all times, on receiving notice in writing from the holder of the tail-race, forthwith assist in clearing the race whenever it is reasonably necessary so to do, and if any person makes default in so assisting it shall be competent for the holder of the race to clear the same and to recover from the person in default his proportionate share of the cost thereof.

The proportionate share of the cost of construction, the amount of the rent, and any dispute between the parties in respect of the premises shall, if not settled by the parties, be determined by the Warden.

All gold or minerals discharged into such tail-race shall belong to the parties, in shares to be settled by them, or, in case of dispute to be determined by the Warden.

A Water Race or Pipe Track Water Right shall be deemed to be forfeitable when from any cause the race or water-pipe be not used for the space of three consecutive months, provided always that water be available to be run through the same, or that exemption from the use of such race or water-pipe has not been granted by the Warden and registered, or for non-compliance by the holder with any of the conditions upon which the same may have been granted.

Water Rights Generally.

79. The holder of any Water Right may sell any water obtained by him by virtue of his water right, but the Minister shall have power to regulate the price at which such water shall be sold for mining, domestic, or other purposes.

80. The holder of a Water Right shall keep and maintain all works and appurtenances thereto in proper order and repair, and shall not allow the water secured by him to run to waste, and in the event of any works or appurtenances being out of repair or being in an insecure condition, or the water being allowed to run to waste, the Warden may require the holder of the Water Right to make the necessary repairs and to prevent waste.

81. The right to water under any Water Right shall terminate when the water shall be discharged beyond the boundaries of the Mining Tenement on which it has been used, or discharged into any natural stream or watercourse after being used.

82. No business of any kind, other than the sale of water, shall be carried on on any Water Right.

83. No application for a Water Right shall be granted without consent of the Minister first obtained.

83A. In the event of the area contained in any application for a water right comprising portion of a pastoral lease, the applicant shall, at least ten days prior to the date of hearing, serve notice of such application upon the lessee thereof.

Reg. 83
amended by
G.G.
3/9/54,
p. 1550.
Reg. 33A
added by
G.G.
20/8/26,
p. 1668.

Division 4.—All other Authorised Holdings

84. A miner may at any time take possession of, mark off, and apply for registration of such area, as is hereinafter set forth, of the surface only of any Crown land within a proclaimed goldfield, mineral field, or district as an authorised holding, for any of the following purposes:—

- (a) A Residence or Business Area, not exceeding one acre, for the purpose of residence or business under the provisions of Section 26, Subsection 10: Provided that when the area is for residence only it shall not exceed one-quarter of an acre;
- (b) A Residence or Business Area on Crown land specially set apart for the purpose under the provisions of Section 26, Subsection 11;
- (c) A Machinery Area, not exceeding five acres, for erecting machinery for the extraction of gold or minerals;
- (d) A Tailings Area, not exceeding five acres, for stacking tailings or any earth containing gold or minerals, and for treating the same thereon;
- (e) A Washing Area, not exceeding five acres, for washing any earth containing gold or minerals;
- (f) A Market Garden Area, not exceeding five acres, for poultry farming or growing fruit, vegetables, fodder, or garden produce of any kind.
- (g) A Quarrying Area not exceeding 24 acres, for the purpose of obtaining stone or gravel for building or other purposes.

A miner shall not, at any time, hold more than one residence area on any one goldfield, mineral field, or district without the consent of the Warden.

85. An applicant for land previously surveyed and specially set apart as a Residence or Business Area shall not be required to erect posts or cairns thereon to mark the boundaries, but he shall comply with all the other requirements in these Regulations as to taking possession, and applying for registration of the same.

86. An applicant shall not be entitled to occupy the Residence or Business area applied for by him until his application has been registered by the Warden.

87. (1) The holder of a Residence or Business Area shall, before the expiration of 30 days from the date of registration of the same, occupy the area for residence or for carrying on business, and shall thereafter continue to occupy the same for such purpose. The holder may sublet the area for any term to any other person duly qualified to hold the same for the same purpose for which it was registered, provided that a copy of the document constituting the tenancy is filed at the Mining Registrar's office.

(2) The holder of a Machinery Area shall, within three months from the date of registration of the same, or within such further period as shall be sanctioned by the Warden, erect machinery thereon to the satisfaction of the latter, and shall thenceforth continue to work or use the same in a *bona fide* manner and to the satisfaction of the Warden.

(3) The holder of a Tailings Area shall, within three months from the date of registration of the same, or within such further period as shall be sanctioned by the Warden, commence to occupy and use, and thereafter shall continue to occupy and use the same only for the purpose for which it was granted.

(4) The holder of a Washing Area shall, within three months, or within such further period as shall be sanctioned by the Warden, *bona fide* use, and thereafter continue to use the same but only for the purpose for which it was granted.

(5) The holder of a Market Garden Area shall, within 30 days from the date of registration thereof, commence to occupy and use the same as such, and within twelve months from the said date he shall securely fence the same on all sides. The holder may sublet the area to any other person duly qualified to hold the same, provided that a copy of the document constituting the tenancy is filed at the Mining Registrar's office.

(6) The holder of a Quarrying Area shall, within thirty days from the date of registration of the same, *bona fide* use, and therefore continue to use the same, but only for the purpose for which it was granted.

Any infringement by the holder of the conditions set out in this Regulation applicable to the particular area held by him shall render such area liable to forfeiture, unless exemption from the observance of such conditions has been obtained from the Warden and registered.

88. If the holder of a residence or business area is convicted of selling liquor contrary to the provisions of any Act in force for the time being to regulate the sale of intoxicating liquor, the Minister may in his absolute discretion, and without any further proof of or inquiry into the offence, declare the area forfeited and direct the cancellation of the registration thereof, and thereupon the area shall be forfeited accordingly.

89. The holder of an authorised holding shall not be entitled to mine thereon, but in the event of gold or any mineral being discovered thereon by him, or his workmen or servants, he shall have the right, within ten days after such discovery comes to his knowledge, to mark off and apply for a mining lease or claim. If prior

to such discovery any person considers that the area contains gold or other mineral, he may apply for the whole or any portion thereof as a lease or claim. He shall give notice of such application to the holder, who may raise objections thereto. If the lease or claim is granted, the area of the authorised holding may be reduced, and the following shall apply:—

- (1) The applicant shall pay to the holder of the authorised holding such compensation as may be from time to time determined by the Warden.
- (2) The applicant shall not be entitled to use any water raised on the lease or claim except for carrying on mining or milling operations thereon.
- (3) The applicant shall observe any other conditions which may be imposed by the Minister or Warden.

90. When a Mining Lease or Claim is granted under the terms of the last preceding regulation the Minister may, on application by the holder of the authorised holding, reduce the rent payable thereon in proportion to the area comprised in such Mining Lease or Claim.

Division 5.—Mining on Reserved and Exempted Lands.

91. An application by a miner for an authority under Section 30 shall be made in the form No. 7 in the Schedule, and shall be lodged with the Warden or Mining Registrar. Before lodging the application, the miner (having, where possible, previously marked off the ground) shall make application for same as a claim in the manner prescribed by these Regulations. On receipt of the application, the Warden, on behalf of the Minister, shall cause a notice thereof to be posted at the Mining Registrar's office, and the applicant shall publish a copy of such notice in one issue of a local newspaper. Such notice shall name the date within which objections may be lodged, and the date of the hearing of the application. The Warden shall, prior to the hearing, instruct some competent person to inspect the land the subject of the application, and to report whether the occupation thereof for the mining purposes mentioned in the application will—

- (a) cause injury or obstruction to the enjoyment of the reserved or exempted land;
- (b) be likely to injure any adjoining property; and
- (c) what sum he considers necessary to cover the cost of repairing any such injury.

92. If it shall appear from such report that by granting the application, injury would be likely to be caused to any reserved or exempted land or to any adjoining property, the Minister may require the applicant to deposit such sum of money as shall appear to him necessary to cover the cost of repairing such injury. On the determination thereof by forfeiture or otherwise of any claim registered in pursuance of such authority, if no such injury has been caused, the deposit shall be returned, or the balance thereof if any remains, after the injury caused has been repaired.

Where injury is likely to be caused to an adjoining property only, the application shall not be granted until the applicant has obtained the sanction of the owner thereof to the occupation of the land applied for for the purposes mentioned in the application, or until he has deposited the sum required by the Minister to cover the cost of repairing such injury.

93. After the hearing of the application the Warden shall forward the same with his recommendation to the Department of Mines.

94. Every claim granted over reserved or exempted land shall be made subject to, and shall contain such special conditions, restrictions, and stipulations as the Governor may in each case prescribe. In addition thereto the applicant may be required from time to time to deposit such sum of money as the Governor may

deem necessary to cover the cost of repairing any injury likely to be done to adjoining lands. Subject as aforesaid, every such claim shall be subject to all regulations affecting a similar holding on Crown lands. A holder who commits a breach of any special conditions, restrictions, or stipulations shall be liable to a penalty not exceeding one hundred dollars in addition to forfeiture of his holding and to instant removal from the land in his occupation thereunder.

95. The Governor may also cancel or withdraw any claim granted under this part of these Regulations, if the holder fails for a period of thirty days to hold a valid miner's right, or if the Governor considers that the reserved or exempted land over which such claim has been granted cannot be further occupied for mining purposes without injury or obstruction to the enjoyment by the public of the same.

96. A person who, without authority first obtained, occupies for mining purposes any reserved or exempted land shall be liable to a penalty not exceeding one hundred dollars, and to be summarily removed therefrom.

PART IV.—LEASES.

97. A person desirous of obtaining a mining lease for any of the purposes set out in Part V. of the Act may take possession of and mark off any land not exempt from leasing, and may make application for a lease of such land for any term not exceeding twenty-one years, to commence from the 1st day of January immediately preceding the date of the publication in the *Government Gazette* of the notice approving the application.

98. The maximum area which may be marked off and applied for as a mining lease shall be as follows:—

(a) For coal, as provided by Section 52	320 acres.
(b) For coal, as provided by Section 56	640 acres.
(c) For gold under (a) or (b) of Subsection 1 of Section 43	48 acres.
(d) For gold in all other cases	24 acres.
(e) For minerals under (a) or (b) of Subsection 1 of Section 49	96 acres.
(f) For minerals in all other cases	300 acres.
(g) For precious stones	24 acres.
(h)	
(i) [Items (h) and (i) deleted by G.G. 29/6/45, p. 615.]	

Reg. 98
amended by
G.G.
29/6/45,
p. 615;
G.G.
6/9/67,
p. 2213.

99. Before making application for a lease the applicant, or some person authorised on his behalf, shall erect a substantial post or cairn of stones projecting not less than three feet above the surface at or as near as possible to each corner of the land applied for. Such post or cairn shall be set in the angle of two trenches, each of which shall be not less than four feet in length and six inches in depth, and extending in the direction of the boundary lines. Where the nature of the ground will not permit of trenches being dug, rows of stones of similar length shall be substituted. The boundary lines shall also be cleared from post to post. One of the posts or cairns shall be termed the "datum post," from which the survey of the land shall be commenced. The intended applicants shall cause to be affixed to such post or cairn a notice in the form of No. 8 in the Schedule, which shall be kept legible until the notice of application referred to in the next following Regulation is posted.

Reg. 99
amended by
G.G. 29/6/45,
p. 165.

When the application is one for a lease under Division 3 of Part V. of the Act, the marking off may be dispensed with by the Warden or Mining Registrar.

100. Within ten clear days after marking off the land for which a lease is to be applied for, or within such further period as the Warden may think fit, an application in the form No. 9 in the Schedule must be lodged with the Warden or Mining Registrar, and the application must be accompanied by a deposit of the rent for the unexpired portion of the year, calculated from the beginning of the quarter in which the application is made, and also with the amount of the prescribed survey fee. If the application is made by an agent, the Warden may require confirmation of his authority prior to transmitting his recommendation to the Minister. On receipt of the application, the Warden or Mining Registrar shall deliver to the applicant a notice in triplicate in the form No. 10 in the Schedule. One of such notices shall forthwith be posted up by the applicant at the Warden's office and another as soon as is possible, on the datum post of the land applied for; provided the posting of the notice upon the land applied for may be dispensed with by the Warden, upon his being satisfied that such land is situated in a remote or unoccupied locality and that such posting would not effect publicity; but this proviso shall not apply to applications for Miner's Homestead Leases. The applicant shall also cause a copy of the notice to be published at least once in a local newspaper within fourteen days after the date of the application being lodged.

101. If a person who has marked off land as a lease and posted notice thereon fails to make application for the lease within ten days thereafter, or within such further period as the Warden may think fit, he shall not be at liberty, either himself or through an agent, to mark off any portion of the same ground or to post a fresh notice thereon within twenty-one days from the first marking off and posting. Any applicant who by himself or in collusion with any other person infringes this regulation shall be liable to a penalty not exceeding twenty dollars or to imprisonment for a term not exceeding one month.

102. Within thirty days after an application for a lease has been lodged, any person may lodge an objection in the form No. 25 in the Schedule, and in such case the objection shall be lodged in duplicate, and shall be heard and determined in manner provided by these Regulations. In the case of a Homestead Lease the objection must be lodged within twenty-one days.

103. Should no objection have been lodged against the granting of a lease within the time specified, the Warden or Inspecting Surveyor may issue to a Mining Surveyor instructions to survey the land applied for without delay, and to furnish an accurate plan and tracing thereof, together with a report and such other particulars as the Warden or Inspecting Surveyor may require. Should objections be lodged to the granting of the lease, instructions for survey shall not be issued until the Governor's approval is notified, but the Warden may order the survey to be made before reporting to the Minister. Any application which is approved before survey shall be deemed to be approved subject to the land being found to be available after the survey has been made.

104. If, after the expiration of thirty days from the receipt of an application for lease, no objection has been lodged, it shall not be necessary for the applicant to appear before the Court at the hearing or at any adjournment thereof unless ordered by the Warden so to do.

Within seven days after the conclusion of the hearing the Warden shall report to the Department of Mines in accordance with Section 75 of the Act.

105. No application for a mining lease by an incorporated company, or by any person on behalf of an incorporated company, and no transfer or sublease to an incorporated company, or to any person on behalf of an incorporated company, of any mining lease

or of any interest in an application for a mining lease, shall be approved unless the memorandum and articles of association of the company, and the contracts, if any, relating to the formation of the company and to the acquisition by or on behalf of the company of a mining lease, sublease, or interest shall have been forwarded to the Under Secretary for Mines for inspection, and it is shown to the satisfaction of the Minister that the company is able to perform its obligations under such lease, sublease, or transfer (as the case may be), and contracts.

An application for a lease may be granted or refused in the absolute discretion of the Governor; and no transfer or sublease of a lease is effectual unless the approval of the Minister is first obtained.

106. There shall be inserted in every gold mining lease the granting of which shall have been approved after the coming into operation of this regulation, a proviso and covenant to the effect that some officer or other person authorised in this behalf by the Minister may, with or without assistants, once in every year during the term of the lease, enter upon the demised land, and mine and take from the said mine such samples as in the judgment of such officer or person are requisite to enable him to arrive, by means of assay or other tests or examination of such samples, at a proper and just estimate of the value of the ore and rock visible in such mine, and that such officer or person may remain, with or without assistants, on such land, and mine for such time as may be necessary in the opinion of such officer or person to enable him to take such samples, and that the lessee shall not obstruct or in any way interfere with such officer or person or his assistants, but shall afford him and them all reasonable facilities for exercising his and their powers of entry and sampling, and that neither the lessee nor his representative nor any person in his employ or acting with his authority or on his behalf shall approach or remain nearer to the sampling operations or the samples than such officer or person shall permit or direct, and that the lessee shall not claim or be entitled to any compensation for or in respect of anything done in exercise of the powers aforesaid.

106A. There shall be inserted in every gold mining lease the granting of which shall be approved after the coming into operation of this regulation, a reservation in favour of the Crown of all tailings and other mining materials on the leased area at the date of the commencement of the lease, with the right to the Crown to grant any license or licenses to any person or persons, their servants or agents, to enter and treat on the leased lands, or to remove from the leased lands, such tailings or mining materials: Provided, however, that any person to whom any such right may be granted shall at all times exercise the same so as not to interfere with the mining operations of the lessee.

Reg. 106A
added by
G.G.
8/3/35,
p. 631.

106B. There shall be inserted in every mineral lease the granting of which shall be approved after the coming into operation of this regulation, a reservation in favour of the Crown of all tailings and other mining materials on the leased area at the date of the commencement of the lease, with the right to the Crown to grant any license or licenses to any person or persons, their servants or agents, to enter and treat on the leased lands, or to remove from the leased lands, such tailings or mining materials: Provided, however, that any person to whom any such right may be granted shall at all times exercise the same so as not to interfere with the mining operations of the lessee.

Reg. 106B
added by
G.G.
1/6/51.
p. 1535.

107. The Minister may at any time direct that the holder of any lease for limestone or for gypsum be required to sell such proportion as the Minister may deem reasonable and practicable of the mineral product of such lease, for use as a fertiliser for agricultural purposes; and the Minister may from time to time, by notice in writing to the said holder, in accordance with the provisions of

these regulations, fix the price of such proportion of the product at a rate which will allow a reasonable profit to the holder based upon his actual average cost of production thereof, and may impose such other terms and conditions as he may deem to be reasonable.

108. In the event of an application for a lease being refused, the applicant shall be entitled to a refund of the rent paid by him on the lodging of the same less the sum of one dollar, and the survey fee if the survey has not been made.

109. If a lease has not been surveyed prior to the notice of approval thereof appearing in the *Government Gazette* the Warden or the Inspecting Surveyor shall issue instructions to a Mining Surveyor for a survey of such lease to be made and a plan and duplicate to be furnished, together with the field notes of such survey, and a report and any other particulars which the Warden or Inspecting Surveyor may deem necessary.

110. If the applicant for a lease desires to withdraw his application he shall lodge a notice of withdrawal in duplicate with the Warden or Mining Registrar in the form No. 11 in the Schedule; on acceptance of such withdrawal by the Minister, the applicant shall be entitled to a refund of the rent paid by him less the sum of one dollar, and the survey fee if the survey or inspection has not been made.

111. Unless exemption or partial exemption from labour conditions has been granted by the Minister or Warden, every lease, other than a gold mining lease of Crown land, on which labour conditions are prescribed shall be efficiently worked on every working day after the expiration of 30 days from the date of the posting at the Warden's office of the *Government Gazette* containing notice of the approval thereof. A lease granted for coal shall be efficiently worked from the like date by not less than one man for every sixty acres, or fraction thereof, for the first twelve months; by not less than two men for every sixty acres, or fraction thereof, for the second twelve months; and by not less than three men for every sixty acres, or fraction thereof, for every succeeding year.

Leases coming under the description of (c) or (e) of Regulation 98 shall be worked by not less than one man for every twelve acres, or fraction thereof, from the like date.

Every lease, other than gold mining leases of Crown land and leases granted for coal, shall be worked on every working day from the like date by not less than two men for the first twelve months, or such longer period not exceeding a further twelve months as may be approved by the Minister on the application of the lessee, and thereafter by not less than one man for every six acres, or fraction thereof; but in no case shall any lease be worked by less than two men.

Reg. 112
amended by
G.G.
31/5/60,
p. 1523.

112. Unless exemption or partial exemption from labour conditions has been granted by the Minister or Warden, any area of land the subject of an application for a gold mining lease of Crown land shall be efficiently worked by not less than two men on every working day after the expiration of fourteen days from the date of the Warden's recommendation for the granting or refusal of the lease.

If this regulation is not complied with, it shall be a ground upon which the Governor, in the exercise of his discretion under Section 76 of the Act, may refuse to grant the lease applied for.

113. On approval of an application for a gold mining lease of Crown land the said lease shall, unless exemption or partial exemption from labour conditions has been granted by the Minister or Warden, be worked on every working day from the date of approval by not less than two men for the first twelve months

and thereafter by not less than one man for every six acres, or fraction thereof; but in no case shall any such lease be worked by less than two men.

114. Any lease which is not continuously and efficiently worked, as provided in Regulation 111 or 113, as the case may be, shall be liable to forfeiture, as provided in Sections 98 and 100 and these Regulations, or the lessee may be fined any sum not exceeding one thousand dollars, but it shall not be necessary to comply with the labour conditions affecting a lease during any general exemption, or during any general cessation of work caused by floods, rain, or drought, or on any public holiday.

115. Where there is more than one workable seam of coal in a lease, all mining workings on such lease shall be carried out so as to provide that the maximum output of coal practically obtainable may be got from such lease, in accordance with methods of mining which shall be subject to the approval of the Minister from time to time as occasion may arise.

115A. (1) Subject as hereinafter provided, the lessee of every coal mining lease situated within the Collie Mineral field shall, during the continuance of the lease, and for the purpose of developing the same in a manner satisfactory to the Minister, work the lease in such manner, by such methods, and by means of such mining operations as are recommended in the report dated the 18th day of November, 1940, of the Royal Commission appointed on the 6th day of March, 1940, to inquire into the available supplies of native coal in the Collie mineral field, and the development thereof for future requirements, or as are specified by the Minister by a requisition in writing signed by the Minister and served on such lessee. Provided that the Minister may, by notice in writing signed by him and served upon a lessee, exempt the lease of such lessee from the operation of this regulation.

Reg. 115A
added by
G.G.
10/1/41,
p. 38.

(2) Every lessee to whom this regulation applies shall furnish to the Minister half-yearly not later than the 20th days of January and July, respectively, in each and every year, a statement in writing signed by him containing—

- (a) particulars of the development work completed during the six months then last past; and
- (b) particulars of the development work proposed to be undertaken during the next ensuing six months.

(3) If any lessee fails in any respect to comply fully with the requirements of this regulation, he shall be guilty of a breach of this regulation, and of his covenants under the lease.

115B. (1) Notwithstanding the provisions of Regulations Nos. 115 and 115A, every lessee of a coal mining lease shall work such lease by deep mining methods and not by any open cut method of mining.

Reg. 115B
added by
G.G.
18/9/53,
p. 1733.

(2) Notwithstanding the provisions of paragraph (1) of this regulation the Minister may, in his absolute discretion, on the application of any lessee of a coal mining lease by writing under his hand, grant to any such lessee permission to work any such lease by means of an open cut and may affix to any such permission such conditions as he may deem fit. The Minister may at any time by notice in writing given to any such lessee revoke any such permission or vary, add to or cancel any such conditions.

(3) If any lessee commits a breach of this regulation or fails to comply with the conditions affixed to any such permission he shall be guilty of an offence and shall also be deemed to have failed to comply with the covenants on his part contained in the lease.

(4) This regulation shall come into operation on the 5th day of October, one thousand nine hundred and fifty-three.

116. The holder of or an applicant for a lease may apply to transfer the whole or an interest therein by lodging a transfer in duplicate in the form No. 12 in the Schedule at the Department of Mines, or at the Warden's office, together with the prescribed fee: Provided that—

- (1) Every transfer shall be accompanied with the instrument of lease (if issued) unless the Minister shall otherwise direct.
- (2) No fraction of any share or unit in a lease shall be transferable.
- (3) The correctness of the consideration expressed in every transfer shall be verified by statutory declaration to the satisfaction of the Minister.
- (4) The registration of every transfer shall be effected at the Department of Mines.
- (5) All transfers shall be registered in accordance with their priority in time of receipt.
- (6) The Warden or Mining Registrar at whose office a transfer is lodged shall record and forthwith transmit the same to the Department of Mines.
- (7) When a transfer is lodged with the Department of Mines full particulars of such transfer shall be forwarded to the Warden or Mining Registrar, who on receipt thereof shall forthwith record the same.

The provisions of Regulation 189 shall also be applicable to all such transfers.

117. Upon forfeiture of any lease upon which any plant, machinery, or tools, the property of the lessee, erected or used for working the same, remain, the lessee shall, within three months from the date of the publication in the *Government Gazette* of the notice of forfeiture, remove the same. If the same are not so removed, the Minister may at any time thereafter call upon the lessee to show cause within a further period of three months why the whole or any part thereof should not be sold and removed. If the lessee neglects to show cause as aforesaid, or if the cause shown is, in the opinion of the Minister, insufficient, he may direct the plant, machinery, and tools, or any part thereof, to be sold by public auction or tender and removed, or he may direct that any part thereof may remain for a specified period on the land and if the land has, since the forfeiture, become the subject of a new lease, he may direct the lessee or holder of the forfeited lease to pay to the new lessee rent at a rate of not less than \$2 per month for all such plant, machinery, and tools permitted to remain, but in no case shall any timber used in or for supporting the shaft, drives, galleries, or adits in any mine be sold, removed, or destroyed.

118. An application for a license to remove or treat tailings or other mining material under Section 112 shall be made to the Warden or Mining Registrar. The applicant shall at the time of making the application post up a notice thereof at the Warden's office and on the heap of tailings to be removed or treated, and shall forthwith advertise the notice in a local newspaper. At any time within a period of thirty days from the posting up of the notice any person may lodge an objection in the form No. 25 in the Schedule, and thereafter the Warden shall hear the application and report thereon to the Minister. The Minister may insert in every such license such conditions as he deems fit. The period of the license shall not exceed twelve months, but may be renewed at the discretion of the Governor. In the event of the licensee not fulfilling the conditions of his license, a miner may make application for the cancellation thereof in the same manner as for the forfeiture of a mining lease, and thereupon the Governor may cancel the license on such conditions as he thinks fit.

119. An application to amalgamate two or more adjoining leases shall be made by lodging with the Warden or Mining Registrar an application in the form No. 13 in the Schedule, signed by the lessee or by someone authorised in writing on his behalf, with the prescribed fee. On receipt of the application the Warden shall forward the same to the Department of Mines for the approval of the Minister, and shall at the same time forward a report thereon recommending the granting or refusal of the same. Pending the decision of the Minister, the Warden may, if he thinks fit, grant permission to the lessee to concentrate the labour to be employed on each of the leases separately on to any or either of them, as if they had already been amalgamated.

120. On the Minister granting an application for amalgamation, there shall be issued to the lessee by the Under Secretary for Mines, and recorded at the Warden's office a certificate of amalgamation in the form No. 14 in the Schedule.

121. If in the course of mining operations the lessee of a mining lease obtains a supply of water more than sufficient for such operation, he may dispose of any surplus water in such manner as he shall think fit, but no method of disposal shall be permitted which, in the opinion of the Warden, is likely to cause a nuisance or inconvenience to the public or to any other mining tenement or to injure or obstruct any road or thoroughfare. Provided that it shall be unlawful for the holder of any mining tenement other than a water right to sell any water obtained in the course of mining operations, without the consent, in writing, of the Minister being first obtained. Provided, also, that the Minister may from time to time regulate the price to be charged for any water so sold.

122. When a lessee proposes to surrender his lease either entirely or conditionally, on an application for a new mining tenement being granted, he shall execute a surrender in the form No. 15 in the Schedule, and shall lodge the same in duplicate at the Department of Mines, or at the Warden's office. Until a conditional surrender has been accepted by the Governor, the lessee shall continue to fulfil the labour conditions of his lease.

123. Notice of intention to forfeit a lease for breach of any covenant of condition not relating to labour or the inspection of the mine, or working thereof, shall be published in the *Government Gazette* in the form No. 16 in the Schedule, at least thirty days prior to the actual forfeiture thereof. The notice required under Section 100 to be given to the Warden that any land held under a mining lease is not being worked in accordance with the Regulations shall be in the form No. 58 in the Schedule, and shall be lodged in duplicate with the Mining Registrar, together with the prescribed fees. On receipt thereof the Mining Registrar shall issue a notice to the lessee, in the form No. 60 in the Schedule.

124. The right conferred on a miner by Section 68 to enter upon land under application for lease for the purpose of searching for and obtaining alluvial gold or mineral shall be confined to an area not exceeding the area of an ordinary alluvial claim of the dimensions specified in Regulation 41, which shall be marked off in the prescribed manner, and pending the decision as to the granting of the lease no person shall interfere with the workings of any such miner within the limits of the area so marked off by him, so long as he continues lawfully to occupy the same and complies with the labour conditions applicable to an ordinary alluvial claim.

125. Before a miner enters upon any land under application for lease in pursuance of the right conferred upon him by Section 68, he shall serve upon the applicant for the lease a notice in the form No. 17 in the Schedule, of his intention to do so. If within twenty-four hours of such service the applicant for the lease fails to mark off a portion of the land not exceeding one-eighth of the

total area thereof as a site for his buildings, shafts, and workings, any subsequent marking off of a portion of the land for such purposes shall be subject to the license acquired by the miner under the last preceding regulation. Any portion of the land so marked off by the applicant shall be marked off in the prescribed manner, and shall be in the form of a rectangular parallelogram, the length of which shall not exceed twice its breadth.

126. In the event of the duplicate of a lease being lost or destroyed or becoming so obliterated as to be useless, the holder or some person having knowledge of the facts and circumstances may make a statutory declaration thereof.

The Minister, if satisfied with such declaration, may direct that a fresh duplicate lease in the exact form of the original shall be issued to the person entitled to hold the same, and such duplicate shall be indorsed with a memorandum setting out the reasons for the issue thereof. A similar memorandum, giving also the date of the issue of the duplicate, shall be indorsed on the original lease. Thereafter such duplicate shall be available for all intents and purposes as if it were the original duplicate of the lease.

If at any time after the issue of a fresh duplicate lease, the original duplicate lease is found or recovered, it shall forthwith be forwarded to the Department of Mines, and the same shall be cancelled or destroyed. Any person who wilfully retains any such original duplicate lease, and neglects to forward the same as herein provided, shall be guilty of a breach of this Regulation.

The Minister may, under similar conditions, issue a duplicate of any lease granted prior to the commencement of the Act.

(Reg. 127 deleted by *Government Gazette*, 29/6/45, p. 615)

PART V.—MINING ON PRIVATE LAND.

128. The Governor may resume any private land under Section 142 after three months' notice of his intention so to do has been given by the Minister to the owner thereof.

The notice shall be in the form No. 18 in the Schedule. A copy of the notice shall be published in the *Government Gazette* at least three times between the date of the notice and one month prior to the resumption taking place.

129. A miner desirous to enter upon private land in order to search thereon for gold, minerals, or precious stones, or to mark off any portion of private land as a mining lease or claim, shall make application to the Warden for a permit in the form No. 19 in the Schedule, and shall lodge the same with the Warden.

130. On the grant of a permit the holder thereof may enter upon the land and mark off and apply for a mining lease or claim, and in so doing shall observe and comply with the provisions of Section 154 and these Regulations in all respects as if the application were one for a mining lease or claim on Crown lands.

131. The applicant may agree with the owner and occupier respectively as to the amount of the compensation to be paid for the right to occupy the land for the purpose for which the application is made. No such agreement shall be valid until the same is filed with the Warden. The marking off and lodging of an application shall not confer on the applicant any right to mine, use, or make preparations for mining upon the land the subject of the application until the provisions of Section 157 have been complied with, and until in the case of an application for a lease notice of approval thereof has been published in the *Government Gazette*, and in the case of a claim, until registration has been completed.

132. All agreements as to compensation shall be lodged with the Warden or Mining Registrar within thirty clear days from the date of application for any mining lease or claim, and if within such

Reg. 131
amended by
G.G.
18/12/25,
p. 3060.

period the applicant is unable to agree with the owner or occupier as to the amount either party may, by plaint in that behalf, have the same determined in the Warden's Court.

133. If a miner who has obtained a permit is desirous of testing such land for gold or minerals before making application for a mining lease or claim, he may apply to the Warden in the form No. 20 in the Schedule for a prospecting area over a portion of such land, not exceeding six acres, together with a reserved area of such further portion of the private land as he proposes to apply for as a mining lease or claim. The application shall be lodged with the Warden or Mining Registrar, with the prescribed fee, and a copy thereof shall be served on the owner or occupier of the land.

134. Subject to the applicant complying with the terms of the Act and these Regulations as to the settlement of the compensation to be paid to the owner or occupier, the Warden may, with the approval of the Minister, register a prospecting area in the name of the applicant, for a period not exceeding six months, and with the like approval may thereafter renew the same for a further period of three months.

135. On the registration thereof, the holder shall have the right to enter upon the area of the land granted as a prospecting area, to search for the gold or minerals mentioned in his application, for the period therein mentioned and the further right to apply, within the like period, for a mining lease or claim over the prospecting or reserved area or any part thereof.

136. The holder of a prospecting area may at any time surrender the same and apply in a similar manner for a fresh prospecting area, not exceeding six acres, out of the reserved area, and successive prospecting areas may in like manner be applied for, until the land is tested to the satisfaction of the holder, or until the prospecting area is surrendered by him and a mining lease or claim over the reserved area or a part thereof is applied for and granted or refused: Provided that, prior to the granting of any such application, the compensation shall be agreed or settled as provided by Regulations 131 and 132.

137. A prospecting area may at any time be cancelled by the Minister, if he is of opinion that the land has been sufficiently tested and the holder neglects or refuses to make application for a mining lease or claim over the reserved area, or a part thereof, when required so to do by the Warden.

138. A person desirous of bringing within the operation of Part VII of the Act any private land as set out in Section 175 shall lodge a petition at the Department of Mines, giving full particulars of the position and area of the land and of his reasons for believing that the same contains minerals, other than gold, silver, or precious metals, in payable quantities

139. Prior to instructing the Government Geologist or other professional officer to inspect the land the Minister shall give not less than thirty days' notice to the owner of his intention so to do.

140. At any time before the expiration of the period fixed by the notice in the *Government Gazette* for the land coming within the operation of Part VII of the Act, the owner of the land may lodge an application, in the Form No. 21 in the Schedule, for the exclusive right to mine on the land for specified minerals, together with applications for mining leases or claims for such minerals, in accordance with the provisions of these Regulations.

PART VI.—MINERS' HOMESTEAD LEASES.

141. Applications for miners' homestead leases shall be made and dealt with in all respects under and subject to the provisions contained in the Act and to the Regulations herein contained affecting applications for mining leases so far as the same are

applicable thereto. In the event of the land applied for comprising a portion of any land held under a pastoral or timber lease, a copy of the notice of application shall be served on the lessee thereof.

142. An application for a miner's homestead lease comprising land which has not been surveyed shall be for land in one block and, except in special cases approved by the Minister, shall be in the form of a rectangle, with boundaries in the direction of the meridian and at right angles thereto, and the proportion of depth to breadth except as herein specified shall not exceed three to one, unless the Minister shall otherwise determine. The proportion of depth to breadth in any area bounded by a frontage line shall be as two to one, unless otherwise provided or by approval of the Minister.

143. In the event of any land applied for as a miner's homestead lease comprising a portion of a pastoral or timber lease containing any substantial improvement, the pastoral lessee shall be entitled to claim compensation for any such improvements from the applicant, and the amount of such compensation shall, in the event of dispute between the parties, be settled by the Warden or by some competent person authorised by him in that behalf, but either party may, if dissatisfied, appeal to the Minister, whose decision shall be final. No application for a miner's homestead lease comprising land containing any improvements made by a pastoral or timber lessee shall be approved until the amount of compensation and the cost of ascertaining the same shall have been paid.

Reg. 143A
added by
G.G.
26/2/26,
p. 367.

143A. All sandalwood growing on any land comprising a miner's homestead lease is reserved to the Crown and shall not be cut, pulled or destroyed by the lessee or his assigns unless permission for the removal of such sandalwood is first obtained from the Conservator of Forests. This permission shall be subject to any condition the Conservator of Forests may think fit to impose. Any license granted under the Forests Act, 1918, or the regulations thereunder, for cutting, pulling or removing sandalwood shall apply to the land comprising a miner's homestead lease, as if such land was Crown land within the meaning of the Forests Act, 1918; provided, however, that any licensee or sandalwood getter desirous of entering upon such lease shall first obtain permission, in writing, from the Conservator of Forests.

144. Subject to the provisions of the Act, a miner's homestead lease may be transferred, sublet, or mortgaged in the same manner as prescribed in these Regulations for the transfer, subletting, or mortgaging of mining leases.

PART VII.—GENERAL REGULATIONS.

145. The Regulations comprised in this Part, except where otherwise expressly provided, shall apply to all mining tenements applied for, held, occupied, or enjoyed under the provisions of the Act and of these Regulations.

Reg. 145A
added by
G.G.
29/6/56,
p. 1656.

145A. A license, granted in accordance with the provisions of section 112 of the Act in respect of any tailings or other mining material left on any land which becomes the subject of a mining tenement other than a lease, confers on a licensee the right, so long as the license is in force, to enter the land, with or without any servant or agent, for the purpose of treating thereon or removing therefrom the material or tailings: But the rights so conferred may be exercised by the licensee only so as not to interfere with the mining operations of the holder of the mining tenement.

146. The shape of every mining tenement shall be as nearly as practicable in form of a rectangular parallelogram, the length of which shall not exceed twice the width, but when, by reason of any boundary not being a straight line, or from the interference of other boundaries or natural features this regulation cannot be observed, the shape shall be as nearly in accordance therewith as circumstances permit.

146A. The holder of any mining tenement situated within the boundaries of a pastoral lease and acquired after the 1st day of November, 1928, shall erect a fence around any plant located upon such tenement and used in connection with cyanide solution treatment, in order to adequately prevent access thereto by stock.

Reg. 146A
added by
G.G.
19/10/28,
p. 2306.

Division 1.—Marking off Mining Tenements.

147. Every mining tenement not previously surveyed shall be taken possession of and marked off by fixing firmly in the ground at each corner or angle thereof (or as near as practicable thereto) a substantial post or cairn of stones projecting not less than three feet above the surface and set in the angle of two trenches, not less than four feet in length and six inches deep, and cut in the general direction of the boundary lines. When the nature of the ground will not permit of trenches being cut, rows of stones of similar length shall be substituted. The boundary lines shall also be cleared from post to post.

148. One of the corner posts or cairns shall be the datum post, and thereon or in proximity thereto shall be firmly fixed, at the time of marking off, a notice in the form No. 22 in the Schedule, setting out the particulars therein prescribed.

149. If a person marks off a portion of land as a mining tenement and posts a notice of marking thereon, but fails to make application for registration thereof within the prescribed time thereafter, he shall not be at liberty to mark off any portion of the same ground, or post a notice thereon, within 21 days from the date of the first marking off. Anyone who, by himself or in collusion with any other person, marks off, posts notice, or causes the same to be done with the intent of defeating the terms of this regulation, shall be deemed guilty of posting a false notice within the meaning of Regulation 169.

150. A person duly marking off and posting a notice shall, subject to the provisions of the Act, have an exclusive right to the ground for the purpose for which it is marked off, pending registration where registration is necessary.

151. It shall not be necessary to mark off ground which is identical with any forfeited, abandoned, or surrendered mining tenement which has been already surveyed, but the prescribed notice shall be affixed to one of the existing survey posts, and all other provisions shall be complied with.

152. Anyone who marks off more ground than he is entitled to shall be liable to have the surplus ground marked off at either end or side, at the option of any other miner or person who may desire to occupy such surplus, but the original occupant shall be entitled to retain that portion of the ground which contains his workings or on which any permanent building has been erected.

Division 2.—Applications and Objections.

153. Application for registration of any mining tenement other than a lease shall be made in the Form No. 23 in the Schedule within ten days after marking off, or within such further period as the Warden considers reasonable. The application must be lodged in duplicate at the office of the Mining Registrar, with the prescribed fees for registration, rent, and survey, if any. On receipt thereof the Mining Registrar shall deliver to the applicant, a certificate in duplicate in the Form No. 24 in the Schedule, and the applicant shall forthwith post up one of such certificates on the notice board at the office of the Warden, and as soon as conveniently may be, cause the other to be affixed to the datum post on the ground: Provided that the affixing of the notice to the datum post on the ground may be dispensed with by the Warden, upon his being satisfied that such ground is situated in a remote or unoccupied locality and that such posting would not effect publicity. Such

notices shall be kept legible and intact until registration is completed. When the application is one affecting private land the applicant shall also comply with the provisions of Section 175.

154. Every application for a mining tenement shall be accompanied with or contain a sketch showing the boundaries of the land, which shall be fixed where possible by reference to some existing survey mark, or to some feature on the land, or adjacent thereto, and where it has reference to an underground tenement it shall show the portion of the surface, if any, required by the applicant. If no surface area is applied for or available, the applicant must produce proof to the satisfaction of the Warden that he has sufficient means of access to the land applied for to enable him to work the same.

Every application for a claim shall, in addition, state:—

- (1) The metal or mineral to be mined.
- (2) The number of shares in which the claim is to be held, and their division.

155. After receipt of an application for registration of a mining tenement other than a claim, the Warden or Inspecting Surveyor shall give instructions for a survey and plan to be made of the land if the same has not been previously surveyed. Registration granted previous to survey shall be so granted subject thereto, but the Warden may in his discretion defer registration until the survey has been completed.

Reg. 156
amended by
G.G.
4/11/55,
p. 2726.

156. Where application for a mining tenement is made for land which has been forfeited, surrendered or cancelled, the application shall be made in the manner prescribed by these regulations according to the particular class of tenement applied for. Should the boundaries of the land applied for be identical with a forfeited, abandoned, or surrendered tenement previously surveyed, and such survey has been executed within five years prior to the application, the applicant shall pay the prescribed fee to cover the cost of inspection; if however, any re-survey or re-marking is subsequently found necessary, the prescribed cost of such re-survey or re-marking shall be paid. When a survey has been executed more than five years prior to the date of application, full survey fee shall be paid; provided that if it be subsequently ascertained that the actual cost of making the survey is under the amount paid therefor, then the difference shall be refunded to the applicant.

Reg. 157
amended by
G.G.
4/6/43,
p. 587.

157. In the event of two or more applications being lodged comprising the same ground, the applicant who first marked it off, provided he has complied with all other conditions necessary, shall be entitled to priority in registration. Provided that—

- (i) this regulation shall not apply in relation to mineral claims; and
- (ii) In relation to mineral claims, the order of priority in registration shall be determined by the Minister.

Reg. 158
substituted
by G.G.
8/7/27,
p. 1643.

158. At the expiration of the period for lodging objections against the granting of mining tenements other than a Lease, Dredging Claim, Mineral Claim, or a Water Right as described in regulation 83, if no objection has been received, the Warden may grant or refuse the application at his discretion, and he may order the applicant for any mining tenement to appear before the Court at the hearing of the application, or at an adjournment thereof, or he may require the applicant to make and submit a statutory declaration of the facts in regard to the marking of the land applied for and the posting of notices and to other mining interests of the applicant.

159. An objection in the form No. 25 in the Schedule may be lodged with the Mining Registrar within seven clear days from the date of application, or such further period as the Warden may allow, by any person on payment of the prescribed fee, and the objector shall serve a copy of such objection on the applicant.

160. Upon receipt of any objection, the Mining Registrar shall fix a day for the hearing of the application, and give notice thereof to the applicant and to the objector. At the hearing the Warden shall take such evidence as may be tendered on oath, and give his decision thereon. But if the objection is one against an application for a lease the Warden shall forward to the Department of Mines a copy of the evidence taken, with a recommendation for the grant or refusal of the application, for the decision of the Governor.

161. An applicant may at any time withdraw his application for a mining tenement other than a lease by lodging notice at the Warden's office in the Form No. 26 in the Schedule. If the notice be lodged before the expiration of the time fixed for lodging objections, the applicant shall be entitled to a refund of the fees paid by him on lodging his application, less a recording fee of twenty-five cents; if after hearing, he shall be entitled to a refund only of the survey fee in the event of the survey not having then been made.

In the event of an application being refused the applicant shall be entitled to a refund of the fee paid by him on lodging his application, less a recording fee of twenty-five cents.

162. On registering any mining tenement other than a lease the Warden shall issue to the applicant a certificate of registration in the form No. 27 in the Schedule.

162A. No holder of a mining tenement other than a lease shall abandon same without executing and lodging for registration, within 14 days of such abandonment, at the Warden's office in the gold-field in which such mining tenement is situate, a surrender in the form No. 15 in the Schedule. Reg. 162A
added by
G.G.
16/6/33,
p. 910.

Penalty twenty dollars.

In this regulation "abandonment" means non-compliance with the labour conditions imposed by the Act and these regulations, for a period of fourteen consecutive days, excluding, however, any period during which exemption is granted.

163. When the holder of a mining tenement other than a lease proposes to surrender his holding, either entirely or conditionally, on an application for a new mining tenement being granted, he shall execute a surrender in the form No. 15 in the Schedule, and shall lodge the same in duplicate, if required, at the Warden's office. Until the conditional surrender has been dealt with by the granting or refusal of the application for a new mining tenement, the holder shall continue to fulfil the labour covenants, if any, of the surrendered holding.

Division 3.—Boundary Marks.

164. If the holder of a mining tenement fails to maintain posts, trenches, or other sufficient boundary marks, as required by the Act and these Regulations, he shall be liable to a penalty not exceeding twenty dollars or to imprisonment for a term not exceeding one month.

165. If posts, trenches, or other boundary marks are not maintained on a mining tenement, as provided in the last preceding Regulation, and a person enters and commences to work or mine thereon he shall not be liable for damage, provided that he ceases work as soon as the posts are replaced, or the trenches or other boundary marks are renewed, and notice in writing given to him to withdraw.

166. The holder of any mining tenement, or any shareholder therein shall point out the corner posts and boundary lines to any person requiring the information, provided that the request be made at a reasonable time during working hours.

167. Any person who, without authority, removes, injures, or obliterates the boundary or survey marks of, or any notice posted up on a mining tenement, or at the Warden's office, shall be liable to a penalty not exceeding twenty dollars, or to imprisonment for a term not exceeding one month.

168. The Warden shall have power to determine all questions and disputes arising with respect to the size, measurements, and position of posts, trenches, and boundary marks; and to decide as to their sufficiency in every case.

169. A person who posts up any false document or notice affecting a mining tenement, with the intent to deceive or mislead any other person, shall be liable to a penalty not exceeding twenty dollars or to imprisonment for any term not exceeding one month.

170. A person who, after his right has been disputed, forcibly occupies land in the possession of any other person, shall thereby forfeit all his right and title thereto. In all such cases of dispute the party whose right to take possession is disputed shall apply to the Warden to inquire into the dispute, and pending such inquiry shall not work on such land or interfere in any way with the occupant thereof.

Division 4.—Exemptions.

171. The holder of any mining tenement other than a lease may obtain exemption from the conditions of use, occupation, or working thereof for any period not exceeding six months on cause shown to the satisfaction of the Warden and on such conditions as the Warden shall impose: Provided that exemption in respect of a residence or business area shall not be granted unless improvements of the value of twenty dollars in the former or one hundred dollars in the latter case have been effected. It shall be in the discretion of the Warden in any such case to include fencing as an improvement.

Reg. 172
amended by
G.G.
24/7/57,
p. 2330.

172. Every application for exemption exceeding fourteen days on a mining tenement including a lease, shall be in the form No. 28 in the Schedule, and shall be lodged with the Warden or Mining Registrar, together with the prescribed fee, and a copy of the application shall be posted upon the notice board at the Warden's office by the applicant, and another on a conspicuous part of the mining tenement, and kept legible and intact for a period of fourteen clear days before the hearing. But the posting of the copy of the application on a conspicuous part of the mining tenement may be dispensed with by the Warden, if he is of the opinion that the mining tenement is situated in a remote or unoccupied locality and that the posting would not affect publicity. Any person may lodge an objection to the application within the time fixed by the Warden.

Reg. 173
amended by
G.G.
4/11/55,
p. 2726.

173. At the expiration of the time named in the application or as soon thereafter as possible, the Warden shall, in open court, receive evidence on oath in support of the application and of any objection thereto, and may in his discretion grant the same subject to any condition or otherwise. If the application is in respect of a lease and the period applied for exceeds one month the Warden shall, in lieu of granting or refusing the same, within seven days after the hearing, forward to the Under Secretary for Mines his notes of the evidence and a recommendation as to granting or refusing the exemption for the decision of the Minister thereon. No exemption, except under Section 94, shall be granted for a longer period than six months. A breach of any conditions imposed on the granting of any exemption by the Minister or Warden shall render the holding liable to forfeiture or cancellation.

Reg. 173A
added by
G.G.
5/7/29,
p. 1623.

173A. If no objection has been received at the expiration of the period for lodging objections against the granting of an application for exemption under section 94 of the Act, the Warden may deal with such application without requiring the applicant to attend the Warden's Court.

174. Upon the granting of an exemption in respect of any mining tenement, the Warden shall cause to be issued to the applicant a certificate in the form No. 29 in the Schedule. On receipt thereof the applicant shall cause the same to be posted in a conspicuous place at or near the shaft or other workings of the mining tenement, to be kept so posted, legible and intact, for the full period of the exemption.

175. A lessee applying for exemption under Section 94 shall file with his application a statutory declaration in the form No. 30 in the Schedule setting out all the particulars therein prescribed. In the event of any question arising as to what are "main workings," referred to in such declaration, the matter shall be referred to the Minister, whose decision shall be final.

176. An application by the holder of a coal-mining lease to dispense with the performance of his covenant to work the mine continuously, as provided in Section 96, shall be made in writing to the Minister. If the application is granted, the Minister shall issue to the applicant a license in the form No. 31 in the Schedule.

177. An application as provided for under Clause 12 of Regulation 55 by the holder of a Mineral Claim to dispense with the performance of the condition to work such claim continuously shall be lodged in writing addressed to the Minister, and if the application is granted, the Minister shall thereupon issue to the applicant a license in the form No. 73 in the Schedule. Fee for such license shall be fifty cents per month during the term granted.

Division 5.—Forfeiture.

178. Subject to the provisions of Section 97, every mining tenement shall be liable to forfeiture if default is made in complying with any of the conditions on which the same is held. In lieu of declaring any mining tenement other than a lease forfeited for non-payment of rent or for breach of any condition on which the same is held, the Warden may impose a fine not exceeding one hundred dollars and award the whole or any part thereof to the applicant for forfeiture, if any.

179. When a mining tenement, or share therein (other than a lease) is liable to forfeiture for breach of any condition other than non-payment of rent, a miner desirous of obtaining possession of the same may apply for the forfeiture thereof by plaint, issued against the holder thereof. The application shall be heard and determined in the same manner as any other proceedings initiated by plaint in the Warden's Court.

180. When a mining tenement (other than a lease) becomes forfeitable for non-payment of rent, or for breach of the conditions applicable thereto, possession of the land may be recovered on behalf of the Crown in manner following, that is to say: The Warden shall cause a notice to be published in the *Government Gazette*, and posted up on the notice board at his office, and also to be forwarded by post to the holder of the mining tenement, addressed to him at his last known place of abode or at the said mining tenement, to the effect that on a date to be named in the said notice, being not less than thirty days from the date of such notice, he will issue an order to the Mining Registrar directing cancellation of the registration of such mining tenement, and on cancellation the mining tenement shall become absolutely forfeited, and no formal or other entry or re-entry thereon shall be necessary. If an objection against the issue of such order be made prior to the date fixed, the Warden shall hear and determine same. Provided that the Warden may, for any cause which he may deem sufficient, cancel any such order and reinstate the holder as of his former estate, and on any terms and conditions as regards the holder and any person who, since the forfeiture, may have been in lawful possession of the land or any part thereof, or

anything lawfully done or suffered since the forfeiture, as to the Warden may seem fit: provided also that a fee of fifty cents for each tenement reinstated shall be paid.

Reg. 181
amended by
G.G.
4/6/43,
p. 587.

181. Where a mining tenement other than a lease or a mineral claim is declared forfeited on the application of a miner, the Warden may grant the applicant the prior right for fourteen days to lodge an application for registration of the land, or any part thereof, as a mining tenement.

182. It shall not be obligatory on the holder of any mining tenement to comply with the conditions thereof after a plaint claiming forfeiture has been lodged pending the determination thereon. Should the application for forfeiture lapse or fail, such conditions shall be complied with at the expiration of seven clear days from the date of the lapsing or determination thereof by the Warden, or in the case of a lease, from the posting up at the Warden's office of the determination of the Governor thereon, such period shall forthwith be registered as an exemption, and the Department of Mines notified.

183. A mining tenement on which labour conditions are prescribed shall be considered "efficiently worked" when the requisite number of men are engaged *bona fide* in working thereon for eight hours on every working day, except Saturday, when four hours shall be sufficient, or such hours as may be fixed by any arbitration award covering the district in which the mining tenement is situated. The men so employed must be either:—

- (1) the holder or holders of the tenement;
- (2) men working on wages; or
- (3) men working under a duly registered tribute which authorises their employment as fulfilling or partly fulfilling the labour conditions.

Such a workman, though absent from the tenement, if transacting business or attending court in connection therewith, or as a witness, shall be deemed to be working the same within the meaning of this Regulation. A mining tenement not efficiently worked shall be liable to forfeiture.

184. Any house or building erected, or other improvement effected on a mining tenement (other than a lease) which has been forfeited may be sold by public auction or tender on the order of the Warden, and the proceeds of such sale, less the costs and charges connected therewith, shall be paid to the Treasurer, to be held by him until claimed by the late holder thereof.

185. The holder of any mining tenement other than a lease who has forfeited or surrendered the same shall be at liberty to retain possession of any earth or other substance containing gold or mineral that may have been raised prior to the date of the forfeiture or surrender, provided such earth or other substance shall be stacked on ground so as not to interfere with the working of or the use or occupation of the tenement. The Warden shall, upon application being made to him in the form No. 23 in the Schedule, within ten days of the date of forfeiture or surrender, and upon receipt of the prescribed fee, register the same as the property of such holder for any period not exceeding twelve months. A copy of the certificate of registration, in the form of No. 32 in the Schedule, shall be affixed on the stack; and no person during the period of such registration shall remove the said stack, or any portion thereof, without the permission of the owner: Provided that such earth or substance shall be deemed to be abandoned should no application for registration of the same have been made within the time herein provided.

186. The tools, appliances, and movable mining plant used in connection with any mining tenement other than a lease shall not be forfeited therewith; provided that such of them as belong to any partner who has forfeited his interest and are removable shall be

removed within six calendar months from the declaration of the forfeiture, or within such further reasonable time as the Warden may allow: Provided, further, that at the time of the declaration of forfeiture of any share in any mining tenement other than a lease, or within ten days thereafter, the Warden may, on application, assess and declare the value of the forfeiting partner's interest in any tools, mining plant, or appliances, which are not easily removable, and within such period the incoming partner shall pay into the Warden's Court the full amount of such value for the use of the partner who has forfeited his share, and in default of such payment the forfeited share may be granted to any other miner applying for the same, and paying into the Warden's Court the said amount.

187. If any man who is employed by the owner of any mining tenement or share therein, in order to comply with the conditions thereof, or who is the sub-lessee of any mining tenement, absents himself from such mining tenement, or otherwise neglects to comply with the conditions without the knowledge of the owner thereof, the mining tenement or share therein shall not be forfeitable unless it remains unrepresented, unused, or unoccupied for at least seven working days.

Division 6.—Transfers.

188. Except as otherwise provided, the holder of any mining tenement or interest therein other than a lease may transfer the same in the form No. 33 in the Schedule. On production at the Warden's office of his certificate of registration, and on payment of the prescribed fee, the Warden may register the transfer and issue to the transferee a certificate, in the form No. 34 in the Schedule.

189. The following shall apply to all transfers affecting mining tenements or interests therein:—

- (1) When two or more tenements, the property of the same holder, are to be transferred, a separate transfer shall be executed for each.
- (2) When any tenement is held by several holders, and two or more of such holders desire to transfer the whole or portion of their interests, a separate transfer shall be executed by each holder.
- (3) When all the holders desire to jointly transfer the whole tenement, one transfer, signed by all the holders, shall be sufficient.
- (4) When a holder desires to transfer portions of his interest in any tenement to two or more persons separately, a separate transfer for each interest transferred shall be executed.
- (5) Before registering any transfer, the Warden may require a statutory declaration to be made as to the true value of the consideration set forth therein.
- (6) No fraction of any share or unit therein shall be transferable.
- (7) All transfers shall be registered in accordance with their priority in time of receipt.

Division 7.—Liens.

190. A claim for a partnership lien under Subsection 4 of Section 282 may be lodged for registration with the Warden or Mining Registrar in the form No. 35 in the Schedule. If the amount owing is not paid within a period of thirty days from the date of registration, the co-partner in whose favour the lien is registered may apply to the Warden for an order to sell the defaulting partner's share and interest in the partnership tenement by public auction. Seven days' notice of such sale shall be given to the defaulting partner, and a copy of such notice shall be posted up on

the partnership tenement and at the Warden's office. The proceeds of sale shall be paid to the Warden or Mining Registrar, who shall apply the same—

- (a) in paying any registered incumbrance ranking in priority to the lien;
 - (b) in paying the charges and expenses in connection with the sale;
 - (c) in paying the amount of the lien;
- and the balance, if any, shall be paid to the defaulting partner.

The Warden or Mining Registrar shall, after every such sale, execute a transfer in the form No. 36 in the Schedule to the purchaser, who on payment of the prescribed fee may be registered as the holder of the defaulting partner's interest.

191. A manager, clerk, miner, artisan, or labourer to whom wages or earnings are due and owing, and who is entitled to a lien therefor under Section 283 shall, within thirty days from his ceasing to work on the mining tenement over which the lien extends, lodge with the Warden a declaration in the form No. 37 in the Schedule, and in default of his so doing his lien shall be deemed to have lapsed.

On receipt of such Declaration, with the prescribed fee, the Warden or Mining Registrar shall register the lien against the mining tenement affected. It shall be the duty of the person who has procured registration of any such lien to give notice to the Warden on his claim being satisfied or discharged. Thereupon or upon production of evidence to the satisfaction of the Warden or Mining Registrar the lien shall be cancelled.

Division 8.—Mortgages and Caveats.

192. A mining tenement or share therein may be charged or made security for the repayment of money advanced or agreed to be advanced or for the discharge of any liability. When it is intended to be so charged, the holder shall execute a memorandum of mortgage in the form No. 38 in the Schedule, with such variations and additions, if any, as the circumstances require, but no mortgage shall be effective until it is registered as hereinafter provided.

A mortgage of a lease shall be lodged in triplicate either at the Department of Mines or at the office of the Warden or Mining Registrar. A mortgage of any other mining tenement shall be lodged in duplicate at the office of the Warden or Mining Registrar.

193. A mortgage of a lease shall not be registered without the sanction and approval of the Minister or of an officer acting with his authority, and shall be effective only when such sanction and approval have been received. A mortgage of any mining tenement other than a lease shall be registered only on the same being approved by the Warden or Mining Registrar. In the case of two or more mortgages affecting the same tenement, they shall take priority according to the date and time of their receipt.

194. A mortgage shall have effect only as a security for the repayment of the money intended to be secured thereby and not as an assignment of the mining tenement. The mortgage may cover all buildings, improvements, mining machinery, and appliances in or upon the land comprised in the mining tenement, whether the same are affixed to the soil or not.

195. A mortgage may contain such covenants, provisions, stipulations, and powers as may be agreed between the parties. Without prejudice thereto, and except as is otherwise expressly provided thereby, there shall be deemed to be included in every mortgage—

- (1) Stipulations to the following effect, namely:—That during the continuance of the security the mortgagee may (at the expense of the mortgagor) when the mortgagor neglects

or refuses so to do, do all such acts and things as may be necessary for the preservation or protection of the property comprised in the mortgage and of the title thereto, and in particular may fulfil the conditions applicable to such property, and obtain exemptions therefrom, and renew the licenses (if any) of the mortgagor.

- (2) Powers to the following effect, namely:—That if default is made by the mortgagor in repayment or discharge of the moneys secured by the mortgage for a period of one month after demand, or if the mortgagor fails to perform or observe any of the covenants contained in the mortgage and on the part of the mortgagor to be observed and performed the mortgagee may—

- (a) Enter upon and take possession of the property comprised in the mortgage, or any part thereof, and work or let the same, subject to the provisions of the Act:

Provided that, in such case, the mortgagee shall be liable to account to the mortgagor for the rents and profits of such property until the mortgagor's right to redeem the same has been determined by sale or otherwise; or

- (b) Cause the property comprised in the mortgage, or any part thereof, together with any right, title or interest the mortgagor may have in any earth, or other substance containing gold or mineral, the produce of the mortgaged premises, to be sold by auction after having not less than 30 clear days before the date of sale—

- (i) Advertised his intention so to do in a local newspaper, or by such other means as the Minister or Warden may direct:

Provided that—

- (ii) The mortgagee shall, at any such auction, be at liberty to bid for and purchase the property or any part thereof.
- (iii) If the mortgagee is unable to obtain at any public auction a sum sufficient to discharge the debt or liability due to him from the mortgagor he may sell the property, or any part thereof, by private contract.
- (iv) If, after sale, there remains a balance over and above the amount due to the mortgagee, he shall lodge a statement of account at the Warden's office and deposit such balance in the hands of the Warden, to be paid by him to the parties interested: that is to say, to the mortgagor and any other mortgagees, the latter according to their respective priorities.

196. All expenses properly incurred by the mortgage under the covenants, stipulations, agreements, or powers, contained or implied in the mortgage, together with interest thereon from the date of disbursement, at the rate named in the mortgage with respect to the principal moneys thereby secured, may be added to the security.

197. When property comprised in a mortgage is sold under the powers contained or implied therein the mortgagee shall execute a transfer of the tenement sold to the purchaser in the form No. 39 in the Schedule, and the Minister or Warden, on being satisfied that the sale has been made in accordance with such powers, may, upon production to him of the lease (if the sale is one affecting a lease and the lease has been issued), and on payment of the prescribed fee, register the same.

198. The mortgagor, on paying the money or discharging the liabilities secured by the mortgage, shall be entitled to redeem the same at any time prior to a sale of the property the subject of the mortgage.

199. Upon the mortgagee lodging at the Department of Mines, or at the office of the Warden or Mining Registrar, a certificate in the form No. 40 in the Schedule, duly signed by the mortgagee and attested, that the debt or liability secured by the mortgage has been fully paid or discharged, the Minister or Warden shall, on payment of the prescribed fee, forthwith cancel the mortgage.

200. A mortgage may be transferred by a transfer in the form No. 41 in the Schedule, with such variations and additions, if any, as circumstances may require.

201. Upon lodging a transfer of mortgage duly executed and attested at the Mines Department, or at the office of the Warden or Mining Registrar, the same shall be registered, and thereupon there shall become vested in the transferee the right to demand, sue for, and recover the moneys secured thereby, or the unpaid part thereof, and the interest then due and to become due thereon, and the right to give receipts for the same; also the benefit of and right to sue on all covenants and agreements contained in or implied in the mortgage, and the right to exercise all powers and authorities in the same manner as if the transferee were the original mortgagee.

202. Every *caveat* affecting a mining tenement other than a *caveat* by consent shall be in the form No. 42 in the Schedule, and shall be lodged as provided in the Act accompanied with the prescribed fee. A separate *caveat* shall be lodged in respect of each tenement affected.

203. Every *caveat* by consent shall be in the form No. 43 in the Schedule, and shall be lodged as provided in the Act. Every such *caveat* shall be deemed to have lapsed, and may be cancelled at the expiration of the period mentioned in the agreement embodying the contract for sale.

Division 9.—Partnerships.

204. All rules and agreements entered into by partners holding a majority of at least two-thirds of the shares or interests in any mining tenement as to the management and working thereof shall be binding on all the partners in such mining tenement, and on any person becoming a partner therein, provided such rules and agreements are not contrary to the provisions of the Act or these Regulations. All such rules and agreements shall be registered by filing the original or a copy thereof verified by statutory declaration at the Warden's office, and on payment of the prescribed fee. Such rules and agreements may be cancelled or amended at any time by a like majority of the partners in a similar manner.

205. A holder of a share in a claim who wishes to abandon his share therein may do so by serving on the remaining holders notice to that effect, and if there be a mortgage on such share, then by serving a like notice on the mortgagee, and by lodging a similar notice with the Mining Registrar. In every such case, the Warden shall forthwith cancel the registration of such share, and the holder shall thereupon be released from any future liability incurred in respect thereof. The holder of any mortgage thereon shall have a preferential right to apply within three clear days after cancellation thereof to be registered as the holder of the share so cancelled. If he fails to avail himself of such right, the mortgage shall be cancelled, and the remaining holders shall thereupon jointly have a preferential right, for three clear days, to be registered as

such holders, and on their failure to avail themselves of such right, any miner may, on application and payment of the prescribed fee, be at once registered as the holder. If a *caveat* has been previously lodged against the share, fourteen days' notice shall be given to the caveator before cancellation of the registration of the share by the Warden.

Division 9A.—Royalties.

205A. Royalties at the rates prescribed in regulation 205B shall be paid by the lessee, holder or owner of land which is comprised in a mining lease, or in any other form of tenure granted under the Act, or by the applicant for land which is the subject of an application made under the Act for a grant under the Act of a mining lease or other form of tenure, from which mining lease or other form of tenure or application therefor any of the minerals prescribed in regulation 205B are obtained on or after the first day of July, 1958.

Reg. 205A added by G.G. 20/5/58, p. 1046.

205B. The rates of royalties payable shall be:—

Reg. 205B added by G.G. 20/5/58, p. 1046.

- (1) For each of the minerals set out under column 1 hereof, as set out opposite each such mineral under column 2—

Amended by G.G. 1/8/58, p. 1735; G.G. 15/7/59, p. 1877; G.G. 18/7/63, p. 2066; G.G. 29/4/64, p. 2059; G.G. 4/10/68, p. 2997.

Column 1.	Column 2. Amount per Ton according to Quantity Obtained.
	\$
Alunite concentrates	0.10
Amblygonite concentrates	0.15
Antimony concentrates	0.20
Arsenic concentrates	0.20
Asbestos	0.15
Barytes	0.05
Bauxite	0.05
Beryl	0.20
Building stones	0.10
Clays	0.05
Chromium	0.15
Corundum	0.15
Diatomaceous earth (calcined)	0.15
Dolomite	0.05
Felspars	0.05
Glaucinite concentrates	0.15
Glass sand	0.05
Graphite concentrates	0.15
Gypsum	0.05
Ilmenite concentrates	0.10
Iron	0.15
Leucoxene concentrates	0.10
Limestone	0.05
Lithium minerals	0.10
Magnesite	0.15
Manganese	0.15
Mineral Phosphates	0.10
Ochres	0.05
Pyrites	0.10
Rutile concentrates	0.15
Sillimanite	0.05
Spongolites	0.15
Talc	0.10
Tin concentrates	0.20
Tripolite	0.15
Vermiculite	0.05
Zinc concentrates	0.20
Zircon concentrates	0.10

- (2) For each of the following minerals, one-half per centum of the realised value F.O.R., or if exported, of the realised value F.O.B.:—

Bismuth.
Cobalt.
Gadolinite.
Gems and precious stones.
Mercury.
Mica.
Molybdenum.
Monazite.
Quartz crystal.
Rare metals.
Tantalum and niobium ores.
Tungsten ores.
Uranium ores.

- (3) For nickel in accordance with the following formula:—

$$\frac{P \times U}{100} \times \frac{2}{100} = \$R \text{ per ton}$$

Where P = the ruling price per ton of nickel metal on the world market, which price is for the purpose of this paragraph the price per ton quoted by the International Nickel Company Limited for four inch square electrolytic nickel cathodes F.O.B. Fort Colborne, Canada, at the date the nickel-containing products are first sold F.O.B. or F.O.R., as the case may be.

Where U = the number of units per hundred of nickel metal in the nickel-containing products sold.

Where R = the royalty.

Notwithstanding the provisions of paragraphs (1) and (2) of this regulation, the rates of royalties payable for each of the minerals, Ilmenite concentrates, Leucoxene concentrates, Rutile concentrates, Zircon concentrates and Monazite shall, in respect of the period of twelve months terminating on the 31st December, 1964, be one-half of the respective rates specified for those minerals in those paragraphs.

Reg. 205C
added by
G.G.
20/5/58,
p. 1046.

205C. Royalties calculated on the quantities or values of minerals reported in the monthly statements required to be furnished under regulation 216, shall be paid to the Mining Registrar or to the Department of Mines, at the time of lodgment of such statements.

Reg. 205D
added by
G.G.
20/5/58,
p. 1046.

205D. The Minister may authorise any officer of the Department of Mines or any other person to inspect and examine any books, records and accounts and obtain all information necessary to ascertain the quantity or value of minerals won from any mining tenement or application therefor, and any other information necessary to determine the amount of any royalty payable.

Reg 205E
added by
G.G.
20/5/58,
p. 1046.

205E. Without limiting the means of recovering the same, any amount of royalty payable pursuant to these regulations and unpaid, may be recovered by the Minister by action as for a debt in any court of competent jurisdiction.

Reg. 205F
added by
G.G.
20/1/59,
p. 254.

205F. Producers of ilmenite are exempt unconditionally from the provisions of Regulations 205A and 205B of these regulations for the period commencing on the 1st July, 1958, and terminating on the 31st December, 1963.

Amended by
G.G.
21/8/59,
p. 2199;
G.G.
30/8/60,
p. 2627;
G.G.
19/2/64,
p. 699.

205G. Producers of limestone for burning in lime kilns only are exempt unconditionally from the provisions of regulations 205A and 205B of these regulations for the period commencing on the 1st September, 1960, and terminating on the 28th February, 1961.

Reg. 205G
added by
G.G.
27/10/60,
p. 3351.

205H. Notwithstanding the provisions of regulation 205A of these regulations, the Perth Shire Council is exempt unconditionally from the provisions of that regulation and regulation 205B of these regulations in respect to limestone produced for its own use from Mineral Claim No. 727H.

Reg. 205H
added by
G.G.
2/7/62,
p. 1709.

Division 10.—Tribute Agreements.

206. The provisions contained in Part VI of the Act with the exception of sections 122, 123 and 124 are for the purposes of section 130, hereby extended to claims.

Reg. 206
substituted
by
G.G.
5/11/57,
p. 3097.

207. The time within which such a complaint by a tributer to the Warden under Section 128 of the Mining Act, 1904, is to be lodged, may be extended by the Warden from seven to fourteen days if it is proved to his satisfaction that the complaint was not lodged within seven days by reason of illness of the tributer or other circumstance beyond his control.

208. (1) Whenever assessors are required under the provisions of Section 132 of the Mining Act, 1904, each party to the application or proceeding shall appoint a person to act as an assessor.

(2) The appointment of an assessor shall be in the form or to the effect of Form No. 72 in the Schedule and shall be filed at the Warden's office at least seven clear days before the date of the hearing of the application or proceeding.

(3) The Warden or the Mining Registrar shall notify the other party to the application or proceeding of the said appointment of an assessor, and such other party shall, three clear days before the date of the hearing, file notice of appointment of a person to act as an assessor.

(4) Should the other party to the application or proceeding fail or neglect to so appoint an assessor the Warden may appoint an assessor.

(5) The Warden or the Mining Registrar shall cause to be given to each assessor notice of the time and place appointed for the hearing.

(6) Every assessor shall by writing under his hand signify his consent to act as an assessor.

209. If any assessor dies or assigns or declines to act, the party appointing him or the Warden, as the case may be, may forthwith appoint another assessor in his place, and the proceedings shall not abate or be thereby affected, but if the proceedings have been partly heard and either party so desires, the hearing shall be commenced *de novo*.

210. Every tribute agreement, if relating to a lease, must be filed in duplicate and shall be recorded in the lease registers both at the office of the Minister and the Warden.

211. At the time of lodging a tribute agreement, the holder of the lease shall state in writing—

- (1) Whether he proposes during the currency of the tribute agreement to employ sufficient men, in addition to those working on tribute, to fulfil the labour conditions of the lease; or
- (2) Whether he intends that the tributors are to be looked upon as fulfilling such conditions.

212. A tribute agreement or a share therein may by consent of the parties to the agreement be transferred in manner as described by Regulation 188 in regard to mining tenements other than a lease, but a transfer of any share in a tribute agreement shall define such share and its proportion of the whole to the satisfaction of the Warden.

Fee for registration of transfer of a tribute agreement or share therein shall be fifty cents.

213. Upon the cancellation under Section 128 of the Mining Act, 1904, of a tribute agreement, the lessee shall apply to the Warden for registration of such cancellation, and upon receipt of such application the Warden or Mining Registrar shall send by registered letter to the tributer, to his last known address, notice that such application has been lodged, and in the absence of any judicial order to the contrary registration of such tribute agreement shall be cancelled upon the expiration of seven days after the said notice has been duly sent. Fee for registration of the cancellation of a tribute agreement shall be fifty cents.

Division 11.—Miscellaneous.

214. An application for a license to construct a drive or drives under the provisions of Section 173 shall be in the form No. 44 in the Schedule, and shall be lodged at the Department of Mines together with a plan showing the position of the proposed drive or drives. A copy of the application shall be served by the applicant on the owner of the land or the holder of the mining tenement through which any drive is to be constructed, or, in the case of the same being constructed under a road or street, on the Municipality or Road Board in whom such street or road is vested.

215. Before recommending to the Governor the granting of any such application, the Minister shall require the Warden to take the evidence of all parties interested and report to him thereon.

Reg. 216
amended by
G.G.
24/2/28,
p. 659.

216. The owner, holder, or manager of any land taken up for mining purposes shall, within the first ten days of every month, furnish the Warden or Mining Registrar with a statement in duplicate, in the forms Nos. 45 to 49 in the Schedule, applicable to his particular holding. If any product of the holding is treated at any works outside the goldfield, mineral field, or district in which the holding is situated, the statement shall be furnished within a reasonable time after the result of such treatment is known. Any owner, holder, or manager guilty of a breach of this regulation shall be liable to a penalty not exceeding one hundred dollars.

Reg. 217
amended by
G.G.
24/2/28,
p. 659.

217. The owner, manager, or person in charge of machinery erected for extracting gold or minerals shall, within the first ten days of every month, furnish the Warden or Mining Registrar with a statement in duplicate, in the forms Nos. 50 to 52 in the Schedule, applicable to the particular class of machinery.

Reg. 218
substituted
by
G.G.
21/5/48,
p. 1134.
Amended by
G.G.
24/7/68,
p.p. 2134-5.

218. (1) Every holder of a mining tenement shall—

- (a) where the holder is a body corporate, not later than three months after the end of each financial year of the body corporate, furnish the Minister with a complete record of all geological, geophysical, geochemical and other technical investigations carried out by or on behalf of the holder on the mining tenement during that financial year, together with the records set out in subregulation (3) of this regulation in respect of all exploratory boreholes drilled on the mining tenement during that financial year; or
- (b) where the holder is not a body corporate—not later than the 31st day of March in each year, furnish the Minister with a complete record of all geological, geophysical, geochemical and other technical investigations carried out by or on his behalf on the mining tenement during the period

of twelve months ending on the immediately preceding 31st day of December, together with the records set out in subregulation (3) of this regulation in respect of all exploratory boreholes drilled on the mining tenement during that period,

and every holder shall keep and maintain such records as will enable him to comply with the provisions of this regulation, but is not required to maintain records of any exploratory borehole that has been entirely removed by stripping or other mining operations.

(2) The Minister may make public any information contained in records submitted to him pursuant to this regulation or regulation 218A of these regulations, except that he shall not make public any such information during the currency of the mining tenement the subject of the information or of any mining tenement granted as a renewal or in substitution thereof, unless the holder for the time being consents in writing to the information being made public.

(3) The records of such boreholes shall include—

- (a) the number or other designation of the bore;
- (b) the precise position of the bore on the lease;
- (c) the direction of the bore and its angle of inclination from the horizontal;
- (d) the exact depth bored;
- (e) a section or log of the bore showing the thickness and description of each type of rock penetrated by the bore;
- (f) assays, analyses and tests made to ascertain the composition or value of any mineral or gold deposits bored through.

(4) [*Revoked by G.G. 24/7/68, p. 2135.*]

(5) For the purpose of this regulation, the term "holder of a mining tenement" shall include an option holder, sub-lessee, or any person who has control of the mineral or gold rights of the mining tenement for the time being.

(6) Any person committing a breach of this regulation shall be liable to a penalty not exceeding one hundred dollars.

218A. (1) Where any mining tenement is surrendered, abandoned, forfeited or declared void or expires through effluxion of time, the person who was at that time the holder thereof shall within three months furnish the Minister with—

- (a) all information within his possession or control concerning the quantity and value of ore remaining on the mining tenement, together with copies of all assay plans and ore reserve diagrams; and
- (b) all records referred to in subregulations (1) and (3) of regulation 218 of these regulations in respect of all work carried out on the mining tenement in the period commencing from the end of the last period for which records were furnished to the Minister pursuant to those subregulations, and ending on the last day on which that person was the holder of the mining tenement.

(2) Any person committing a breach of this regulation shall be liable to a penalty not exceeding one hundred dollars.

219. No person shall sink any shaft, or disturb the surface of the ground, or erect works, or deposit earth, stone, or other material in any place so as to interfere with the supply of water used by the public, or so as to obstruct a public thoroughfare; and no person shall undermine any road, railway, dam, or building in such manner as to endanger the public safety.

220. Any person in unauthorised occupation of Crown land in any goldfield, mineral field, or district may be summarily removed therefrom by order of the Warden, and any person resisting or obstructing the carrying out of any such order shall be liable to a penalty not exceeding twenty dollars.

Reg. 218A
added by
G.G.
1/5/42,
p. 477.
Amended by
G.G. 24/7/68.
p. 2135.

221. A person travelling in a goldfield, mineral field, or district with horses, camels, or other animals who shall camp and remain for more than twenty-four hours at any conserved or natural water for the purpose of grazing or otherwise, and shall use such water to the detriment of public or private rights, shall be guilty of a breach of this Regulation, and shall be liable to a penalty of twenty dollars for each day such horses, camels, or other animals are so camped, and he may be summarily removed therefrom by order of the Warden.

222. The holder of any mining tenement shall not allow any of the detritus, dirt, sludge, refuse, garbage, or mine water from his tenement to become a nuisance or an inconvenience to the holder of any other mining tenement or to the public, or in any way injure or obstruct any road or thoroughfare or any land used for agricultural, pastoral, fruit-growing, forestry, or other useful purposes. Any water or sludge produced from or consequent on any mining operations and discharged from such mining tenement shall be deemed to be a nuisance or an inconvenience, if such water or sludge at the point of discharge holds in suspension or solution any earth or mineral or any earthy or mineral substance in the total proportion of more than eight hundred grains to one gallon.

Any breach of this Regulation shall render the offender liable to a penalty not exceeding twenty dollars.

223. The holder of any mining tenement shall at all times make adequate provision for the preservation of decency and the observance of sanitary conditions on his tenement: Any breach of this Regulation shall render the offender liable to a penalty of twenty dollars.

224. The holder of a mining tenement having a shaft within 20 feet of a public road shall securely fence or log the same, and before abandoning any shaft or hole, wherever situated, shall fill up or securely fence or log the same, or make it safe in a permanent manner; and no person shall throw down or remove any fence, timber, or other material placed thereon for such purpose, or at any time wilfully injure or destroy any shaft, drive, or other working, so as to prevent or impede further mining on that or any adjacent ground.

225. If, when an Inspector of Mines is not immediately available, the Warden has reason to believe that any shaft or underground workings are unsafe, from insufficient timbering or any other cause, so that loss of life or bodily injury may be occasioned thereby, he shall cause an examination of such shaft or workings to be made by two competent persons, and upon their report may order the owner thereof to do within a specified time whatever they consider necessary to remove the cause of danger; and further, to pay the cost of inspection, and he may prohibit any further work being done in such shaft or workings until such order has been complied with.

226. If, when an Inspector of Mines is not immediately available, any accident occurs in connection with mining, whereby loss of life or serious bodily injury has been occasioned, the manager or other person in charge of the mine or works, or someone working therein, shall immediately report at the Warden's office the nature of the accident, and thereupon the Warden, or in his absence the Mining Registrar, shall cause an inspection to be made of the mine or works by two competent persons, and he may thereafter hold an inquiry into the nature and cause of the accident, and shall forward a copy of the evidence taken at such inquiry, with his report thereon, to the Minister.

227. The holder of any lease or claim shall not remove any props or timber on his lease or claim, the removal of which may endanger the workings of any other lease or claim, and where the underground workings of two or more leases or claims, or of a lease

and claim communicate with each other so as to afford means of ventilation such ventilation shall not be obstructed without the consent of the owner of any lease or claim affected thereby.

228. The privilege accorded to holders of Coal Mining leases of cutting timber thereon for mining purposes is hereby restricted to the following extent, viz.:—"The lessees shall not cut or allow to be cut any jarrah trees of a size less than 90 inches in circumference measured up three feet from the ground, without permission in writing of the Conservator of Forests or any officer acting on his behalf. Any person committing a breach of this regulation shall be liable to a penalty not exceeding one hundred dollars, and in default of payment to imprisonment with or without hard labour for a term not exceeding six months."

Reg. 228
amended by
G.G.
18/12/25,
p. 3060.

229. No person, except he is the holder of a Registration certificate as prescribed by Timber Regulation 1, shall cut timber on a Coal Mining Lease or other mining tenement in the South-West Division of the State as described in the Land Act, 1898,¹ until he shall have provided himself with a distinctive branding hammer to be approved by and registered with the Conservator of Forests, and any person cutting timber as aforesaid shall, immediately after every tree is felled, distinctly brand the stump with his registered brand, on the surface caused by the felling. He shall also, before removing any timber, brand with his registered brand the head of the trunk on the surface caused by its severance from the trunk. Any person who shall commit a breach of this regulation shall be liable to a penalty not exceeding one hundred dollars.

230. The Warden may, at all reasonable times, enter into and upon any mine or works used in connection with mining, and without interruption or disturbance from the holder thereof, his agents, servants, or workmen, view and examine the condition thereof, and ascertain whether the mine is being worked in a proper and workmanlike manner and *bona fide* for the purpose for which the same was granted, and in so doing he may use all the tramways, railroads, or other roads or ways and any of the machinery in and upon the mine or works.

231. On the death or bankruptcy of the holder of a mining tenement, his legal personal representative, receiver, trustee in bankruptcy, or liquidator, as the case may be, shall produce and lodge with the Warden or Mining Registrar an attested or office copy of the document under which he derives his title, and at the same time make application, in the form No. 53 in the Schedule, to be registered as the holder of such mining tenement, and thereupon, on application in the prescribed manner, the mining tenement may be exempted from the conditions on which the same is held for such period as the Minister or Warden may deem reasonable.

232. Every deed, contract, or other instrument relating to the title to or transfer of any mining tenement required by the Act or these Regulations to be registered, and which is not registered, shall, so far as regards any such property affected or to be affected thereby, be void as against any person claiming *bona fide* and for valuable consideration under any subsequent deed, contract, or instrument duly registered.

233. Failure to apply for registration within the time prescribed in any case shall not be deemed a breach of these Regulations, if good cause be shown for such delay to the satisfaction of the Warden, nor shall any penalty be inflicted for the non-performance within the prescribed time of any act required by these Regulations to be done by the holder of any mining tenement if he can prove that the non-performance as aforesaid was caused by neglect or default of the Warden or his officers, or from any circumstances over which he had no control.

¹ Now Land Act, 1933.

234. If any person loses any document required at any time to be produced to the Warden or Mining Registrar, he may make a declaration of such loss in the form No. 54 in the Schedule. Such declaration shall be filed at the Warden's office, and may be used for all the purposes required, on payment of the prescribed fee, and a certified copy of the lost document shall be issued as soon as conveniently may be thereafter.

235. The holder of any mining tenement who is not resident within the goldfield, mineral field, or district in which the holding is situate shall, within thirty days of his being registered as such holder, appoint an attorney or agent resident within such goldfield, mineral field, or district upon whom any process or notice may be served, in the form No. 55 in the Schedule, and shall register the same at the office of the Warden. A holder who is resident in the goldfield, mineral field, or district who intends to be absent from his residence for a period exceeding thirty days shall, in like manner, prior to his departure, appoint an attorney or agent and register such appointment.

This Regulation shall not apply to a company registered under the provisions of the Companies Act, 1893.¹

236. Every person acquiring, transferring, or mortgaging a mining tenement, or interest therein as the attorney of any other person, shall lodge with his application, transfer, or mortgage, an attested or office copy of the power of attorney under which he claims to be entitled to execute such document, together with the prescribed fee. A power of attorney for the purposes of this Regulation may be in the form No. 56 in the Schedule, and, if duly registered in accordance with Regulation 235, it will suffice in lieu of the form No. 55.

237. Fees shall be payable in respect of the several matters set out in form No. 57 in the Schedule, according to the scale therein prescribed.

No registration of, or other dealing with, any mining tenement, or with any interest therein, or with any matter or thing relating thereto, shall be filed or recorded in the Department of Mines or at a Warden or Mining Registrar's office until after payment of the prescribed fee and stamp duty, if any.

238. The yearly rent or royalty to be reserved on all leases and authorised holdings shall be in accordance with the Scale in form No. 57 in the Schedule. Except where otherwise specially provided by the Act and by the next following Regulation, all rents shall be paid yearly in advance; the first payment shall be made at the time of lodging the application, and, except in the case of miners' homestead leases, shall be calculated from the beginning of the quarter in which the application for the mining tenement is lodged up to the thirty-first day of December then next ensuing; subsequent payments of rent shall be made to the Warden, or, in case of a lease, to the Warden or the Department of Mines.

The quarters begin respectively on the first of January, the first of April, the first of July, and the first of October. Rents are due on the first of January in every year and are payable on or before the 31st of January. Should the rent due on any authorised holding or lease be not paid on or before the 31st day of March, an authorised holding may be forfeited by the Warden, and a lease by the Governor.

239. Notwithstanding the provisions of the next preceding Regulation, the yearly rental of a gold-mining lease may be paid in moieties; the first of which shall be paid on or before the 31st day of March and the second shall be paid on or before the 31st day of July in every year. If the first moiety of rent due on any gold-mining lease is not paid on or before the 31st day of March; or if the second moiety of such rent is not paid on or before the 31st day of July, the lease may be forfeited by the Governor.

¹ Now Companies Act, 1961.

240. Except where otherwise provided, all notices, applications, or objections prescribed by these Regulations shall be signed by the person giving or making the same, or his attorney, agent, or legal representative.

241. All notices, applications, or other forms under these Regulations may be in writing, or partly in writing and partly in print. The forms prescribed in the Schedule or forms to the like effect may be used with such variations or additions as the particular circumstances may require.

242. The Mining Registrar of any goldfield, mineral field, or district shall have power, during the absence of the Warden, and when no objection is lodged, to grant and register any mining tenement (except a lease or residence or business area) or any transaction affecting the same; and to grant an interim injunction, and also to hear and determine applications for exemptions when so instructed by the Minister in every case in which the Warden is empowered so to do.

243. The holder of a mining tenement, or interest therein, or any registered mortgagee may, on application to the Department of Mines, or at the Warden or Mining Registrar's office, examine the register of the tenement in which he is interested and obtain extracts therefrom. Any other person desiring to obtain particulars as to the names of the registered holders of any mining tenement or other particulars affecting the same may, on payment of the prescribed fee, obtain the required information in writing.

244. Any person committing a breach of these Regulations, or disobeying a lawful order of the Warden or Warden's Court, shall for every such offence for which a penalty is not otherwise specially provided by the Act or these Regulations, be liable to a penalty not exceeding twenty dollars, and in default of payment, to imprisonment by order of the Warden for any period not exceeding one month, with or without hard labour.

245. No officer in charge of, nor any Assayer employed on any State Battery shall hold, directly or indirectly, any share or interest in any claim, mining lease, or other mining adventure whatsoever in the goldfield or mineral field in which he is employed.

Any such Officer or Assayer shall, for a breach of this Regulation, be liable to a fine not exceeding one hundred dollars, and in default of payment to imprisonment with hard labour for any period not exceeding six months, and to dismissal from his office.

PART VIII.—SURVEYS.

246. All surveys required by the Act or these Regulations shall be made by a Mining Surveyor.

247. Holders of mining tenements required by these Regulations to be surveyed shall place themselves in communication with the Mining Surveyor, and fix a time to be on the ground applied for, in order to point out to such Surveyor the pegs or other boundary marks of the land to be surveyed; failure on the part of any applicant in this respect shall be treated as a breach of these Regulations.

248. Should it be found by the Surveyor that any mining tenement is not pegged by the applicant in the form of a rectangular parallelogram, as provided by the Regulations, he may, when practicable, adjust the boundaries: Provided that, when any adjoining interests would be affected by such adjustment, he must survey the tenement (except a residence or business area) as strictly in accordance with the applicant's pegs as the circumstances permit.

249. No area shall be surveyed in excess of the area applied for unless the consent of the Warden has been obtained, and no area shall be surveyed in excess of the area pegged if any adjoining interests are thereby affected.

250. Should disputes arise as to pegs or otherwise, and should the parties interested be unable to agree, the Mining Surveyor shall report the matter to the Warden, and shall not proceed with the survey pending the settlement of the dispute.

251. Should any applicant for a mining tenement object to the manner of survey thereof, he shall lodge with the Warden a written objection thereto, setting forth the grounds of objection. Upon receipt thereof the Warden shall inquire into the matter in open Court, and summon the Mining Surveyor to attend and give evidence thereat, and after taking all evidence shall notify his intention to uphold such survey or otherwise: Provided always, that no objection to a survey shall be entertained unless it be lodged with the Warden within ten days after the date such survey was made.

252. All roads, railway reserves, telegraph lines, and mining tenements, lawfully occupied, and situate upon any land the subject of survey at the time of such survey shall be marked by the Mining Surveyor on the ground, and shown in his plan.

253. The Mining Surveyor shall forward to the Department of Mines a plan and duplicate, and reports upon all surveys executed by him.

254. No Mining Surveyor or Mining Registrar shall, during the tenure of his office as such, hold any residence or business area without having first obtained the consent, in writing, of the Minister.

PART IX.—LEGAL PROCEEDINGS IN THE WARDEN'S COURT.

255. Except as provided in Section 235, all civil proceedings in the Warden's Court shall be commenced by plaint in the form of No. 58 in the Schedule.

Reg. 255A
added by
G.G.
28/9/60,
p. 3029.

255A. Fees shall be payable in respect of the several matters, and in the amounts, set out in form No. 64 in the Schedule.

256. Every plaint shall be signed by the plaintiff or his attorney or solicitor and shall be lodged with the Mining Registrar of the Court to which the goldfield, mineral field, or district within which the cause of action arises has been assigned, and if the cause of action has reference to a lease, it shall be lodged in duplicate. The plaint shall be accompanied by the prescribed fees. If the cause of action refers to a money demand, items or particulars of such demand shall be annexed to the plaint, and as many copies thereof shall be lodged as there are defendants to be served.

No plaint shall be withdrawn or proceedings stayed after a summons has been duly issued and served without the consent, in writing, of the defendant, and payment of costs, if any.

257. On the receipt of a plaint, the Mining Registrar shall forthwith fix a time for the hearing in the Warden's Court, and shall thereupon deliver to the plaintiff (or his solicitor) a plaint note in the form No. 59 in the Schedule. The date fixed for hearing shall not be less than five clear days from the date of lodgment, when the defendants, or a majority of them, reside or carry on business within 50 miles of the Court, and not less than ten days where they, or the majority of them, reside or carry on business at a greater distance.

258. On the receipt of a plaint as aforesaid, the Mining Registrar shall issue a summons in duplicate in the form No. 60 in the Schedule, addressed to each defendant, and shall deliver them for service—

- (1) to the complainant; or
- (2) to the bailiff of the Court; or if there be no bailiff; then
- (3) to the local police constable or some other suitable person.

The person to whom the summonses are delivered shall serve the same without delay, and thereupon shall make an affidavit of service, in the form No. 61 in the Schedule, and deliver the same to the Mining Registrar.

259. A summons shall be served as provided in Section 304, and in addition substituted service may be effected as follows:—

- (1) Where the defendant to whom the summons is addressed or his registered attorney does not reside or carry on business within the district of the Court, by posting up the same on the notice board at the Warden's Office.
- (2) Where the defendant or his registered attorney resides or carries on business within the district of the Court, but is absent from his residence or place of business, by posting up the same on the notice board at the Warden's office and serving it on someone apparently above the age of fourteen years, at the residence or place of business, or by affixing the same to the entrance.
- (3) Where the defendant or his registered attorney or agent is working in any mine or other works underground, by delivering the same to the engineman, braceman, or other person apparently in charge of the mine or works.
- (4) Where the defendant is a registered company, by delivering the same or sending it through the post in a prepaid registered letter addressed to the company at its registered office.

Where the defendant or his registered attorney resides or carries on business less than fifty miles from the Court, a summons shall be served not less than four clear days, and in all other cases not less than seven clear days, before the day fixed for the hearing of the plaint.

Where it has been found impossible to serve a summons within the prescribed time, the Warden or Mining Registrar may, on giving notice to the plaintiff, extend the day of hearing of the plaint and issue an amended summons.

260. When the defendant intends to dispute the claim he shall lodge with the Mining Registrar a notice of defence in the form No. 62 in the Schedule.

261. Each party may procure the attendance of witnesses by means of subpoena in the form No. 63 in the Schedule. Every witness subpoenaed shall be entitled to the allowances prescribed in the Local Court Rules, 1923¹ as amended from time to time and no witness shall be bound to attend on his subpoena unless at the time of the service of the same a reasonable sum as conduct money is tendered to him.

Reg. 261
amended by
G.G.
28/9/60,
p. 3030.

262 (1) Where the Warden's Court has power to order and orders costs to be paid by any party, those costs shall be in accordance with the costs allowed under the Local Court Rules, 1923¹ (as amended from time to time).

Reg. 262
substituted
by G.G.
28/9/60,
p. 3030.

¹ Now Local Court Rules, 1961.

(2) Where there is no money demanded, the Warden's Court shall determine under which scale the costs are to be awarded.

(3) In any special case where, by reason of the amount involved, or the importance of the matters in issue, or of the complexity of the law, of the issues or of the facts or for some other special reason, the Warden considers that the allowance under the Local Court Rules, 1923¹, as amended from time to time, is inadequate in that regard, the Warden may, upon application at the trial (to which the party against whom the order is sought is entitled to be heard in reply) fix—

- (i) a special counsel fee, on brief, not exceeding 210 dollars; and
- (ii) (where applicable) a refresher fee commensurate with the counsel fee, on brief.

(4) If, at the hearing, or at any adjournment, the plaintiff does not appear, and the defendant appears and does not admit the plaintiff's claim, the Warden may, in his discretion, award costs to the defendant.

263. When the decision of any plaint has been delivered by the Warden's Court, a judgment in the form No. 65 in the Schedule may be signed by the Warden or Mining Registrar and filed in the Court. A copy of such judgment shall, on payment of the prescribed fee, be delivered to any person applying for the same.

264. Where the plaintiff or defendant has made default in the payment of any sum of money ordered by the Warden's Court to be paid by him, the party to whom such sum is payable may, on application to the Mining Registrar, and on payment of the prescribed fee, obtain a warrant of execution against the goods of the party making such default. Such warrant shall be in the form No. 66 in the Schedule. Every warrant of execution may remain in force for a period of twelve calendar months. Applications for renewal shall be made to the Warden or Mining Registrar in writing, supported by a statutory declaration as to default having been made in payment of the sum awarded, or any portion thereof.

265. On seizure of any mining tenement or interest therein under a *fi. fa.* or a warrant of execution issued out of the Warden's Court or any other Court, notice thereof shall be given to the Warden or Mining Registrar in the form No. 67 in the Schedule, and a copy of the *fi. fa.*, warrant of execution, or Sheriff's warrant shall be attached to such notice.

266. Notice of sale and of the intended place and day of sale under a warrant of execution issued out of the Warden's Court shall be given by affixing the same upon or near to the house or place where the sale is to take place at least five clear days before the day of sale. The affixing of such notice shall be equivalent to an actual levy on the mining tenement indicated in the notice. Every sale shall be conducted publicly, and everything shall be sold for cash to the highest bidder.

267. Upon sale under a warrant of execution issued by any other Court, the Officer of the Court issuing such warrant shall execute a transfer to the purchaser of the mining tenement or interest therein sold under such warrant.

268. Judgment in detinue, if for the plaintiff, shall be for the value of the goods detained, together with a sum to be stated in the judgment by way of damage for the detention and costs; but

¹ Now Local Court Rules, 1961.

it may be made part of the order that, on payment of damages for detention and costs and return of the goods on or before a day named, satisfaction shall be entered.

269. In the event of any sitting of a Warden's Court falling upon a public holiday the Court shall not sit upon such day, but upon a day in lieu thereof to be fixed by the Warden. Every Warden's Office shall be open for the entry of and issue of process and the receipt and payment out of money due under an order of the Court on all business days during the usual hours on which Government offices are open.

270. Where the Supreme Court has given judgment on an appeal from the Warden's Court, any party to the proceedings may deposit the original, or an office copy of the order of the Supreme Court with the Warden, who shall thereupon enter judgment, or otherwise act according to the terms of such order.

271. An order of the Warden's Court for an injunction shall be in the form No. 68 in the Schedule.

272. Where in any matter or thing the practice or procedure of the Warden's Court is not sufficiently defined by these Regulations, the practice and procedure of Local Courts shall be adopted as far as possible.

SCHEDULE OF FORMS AND FEES.

Form No. 1.

(Reg. 3.)

MINER'S RIGHT.

No.	Fee Fifty Cents.
Issued to	under the provisions of the
Mining Act, 1904, to be in force until the	day of
, 19	, 19
Place of issue:	
Date of issue:	Warden
	(or Officer authorised to issue).
(Not transferable.)	

Form No. 2.

(Reg. 3.)

CONSOLIDATED MINER'S RIGHT.

No.	Fee—Fifty Cents for each person named herein.
	(For persons.)
Issued to (<i>here set out full names</i>)	under the provisions of the
Mining Act, 1904, to be in force until the	day of
, 19	, 19
Place of issue:	
Date of issue:	Warden
	(or Officer authorised to issue).
(Not transferable.)	

Form No. 4.

(Reg. 14.)

REPORT OF DISCOVERY OF PAYABLE GOLD
OR MINERAL.

No.

I (or We), the undersigned, do hereby report to the Warden that I (or We) have discovered, [] in payable quantities at [*here give particulars of area or locality*], and I (or we) request the Warden to allot me (or us) a reward claim of men's ground, or to recommend the granting to me (or us) of a reward lease, application for which is herewith lodged.

(Signature)

Address

Name in full

Miner's Right No..... Date..... Place of Issue.....

Received the above Report at o'clock .m., on the day of , 19 .

Warden or Mining Registrar,
Goldfield or Mineral Field.

I hereby certify that, having been satisfied that the abovenamed ha discovered [] in payable quantity at , I have, in accordance with the provisions of the Regulations, allotted to a reward claim of men's ground, and have duly registered the same and issued a Certificate of Registration accordingly, or have accepted an application for a reward lease.

Given under my hand this day of , 19 .

Warden,
Goldfield or Mineral Field.

Form No. 5.

(Reg. 47.)

APPLICATION FOR UNION OF CLAIMS.

No.

We, the undersigned, being the registered holders together holding not less than two-thirds of each of the undermentioned claims, being all situate on (*here state the name of Goldfield or Mineral Field*) hereby request the Warden of the to register the claims aforesaid as one claim, under the style of .

We annex hereto a sketch showing the position of the claims to be united.

Dated this day of , 19 .

Signatures {
.....
.....

Miner's Right No..... Date..... Place of Issue.....

Number of Claims	Name of Holder	Share in Claims now held	Share in United Claim to be received	Remarks

Received this application at o'clock .m., on the day of , 19 , with fee of .

Warden (or Mining Registrar),
Goldfield or Mineral Field.

The within application was (granted or refused) by me on the day of , 19 .

Warden,
Goldfield or Mineral Field.

Form No. 6.
(Reg. 47.)

CERTIFICATE OF UNION OF CLAIMS.

No. _____
THIS is to certify that I have this _____ day of _____, 19____, at the hour of _____ m., registered as one Claim, No. _____, under the style of _____, the undermentioned claims, that is to say:—

No. of Claim	Name of Holder	No. and Date Miner's Right	Share in Claim	Share in United Claim	Remarks

Given under my hand this _____ day of _____, 19____.
Warden (or Mining Registrar),
Goldfield or Mineral Field.

Form No. 7.
(Reg. 91.)

APPLICATION FOR AUTHORITY TO OCCUPY RESERVED AND EXEMPTED LANDS.

To His Excellency the Governor of the State of Western Australia.

I (or We), the undersigned, being the holders of Miner's Rights as stated below, hereby make application in terms of the Mining Act, 1904, for authority to occupy certain reserved lands situated at _____, and more particularly described and delineated upon the plan hereto annexed* (or to construct drives under certain exempted lands situated at _____, and more particularly described and delineated upon the plan hereto annexed) for the purpose of mining thereon or thereunder. And I (or we) hereby agree to accept any claim granted in pursuance of such authority subject to the conditions, restrictions, and stipulations which may be imposed in respect thereof: And I (or we) further agree to deposit such a sum of money as shall, in the opinion of the Minister for Mines, be sufficient to cover the cost of repairing any injury which I (or we) may do or occasion to such reserved or exempted lands or any adjoining property under such authority.

Dated this _____ day of _____, 19____.
Signature of Applicant.....
Miner's Right No..... Date..... Place of Issue.....
Received this application at _____ o'clock _____ m., on the day of _____, 19____.

Warden (or Mining Registrar),
Goldfield or Mineral Field.

* If the applicant desires to "occupy" and "construct," the form may be altered accordingly.

If the land referred to is situated within any municipality, a copy of this Application must be served on the Mayor thereof.

Form No. 8.
(Reg. 99.)

NOTICE OF MARKING FOR A LEASE.

NOTICE is hereby given that I (or we) [*Names in full*], the under-
signed, of _____, have this day, at the hour of _____ o'clock,
_____ m., marked off this land, for which I (or we) intend making
application under the provisions of the Mining Act, 1904, for a
lease

The ground intended to be applied for contains about _____
acres, and the description of boundaries is as follows:—

Commencing at this point and running

Dated this _____ day of _____, 19 _____.

Signature of Applicant or Agent.

[*When the application is for a Miner's Homestead Lease, the
intending applicant must supply the number, date, and place of issue
of his Miner's Right.*]

Form No. 9.
(Reg. 100.)

APPLICATION FOR LEASE.

No. _____

PURSUANT to the provisions of the Mining Act, 1904, I (or we)
[*here set out names of applicants in full*]
do hereby apply for a _____ lease of
_____ acres of land taken possession of and marked off by
at _____ o'clock _____ m., on the _____ day of
19 _____, and situated on the _____ Goldfield (or Mineral
Field) (which land is more particularly described in the annexed
schedule, and the position thereof shown on the annexed sketch or
plan), for the purpose of _____
and I (or we) hereby tender the sum of _____
as deposit, in accordance with the Regulations.

[Schedule.]

Name or Names of Applicants in full and Address	Shares held†	Situation and boundaries of land applied for	Area	Remarks
Total Number of Shares				

† This column not to be affected if the application is for a Miner's Homestead Lease.

The term or period for which ground is required, _____ years.

Name by which lease is to be known, " _____ "

Dated this _____ day of _____, 19 _____.

(Signature.)

To the Warden,
 Goldfield (or Mineral Field).
 Received this application at _____ o'clock _____ m., on the
 day of _____, 19____, from _____,
 with the sum of \$ _____, being the amount of deposit
 on application for _____ Lease.

Warden (or Mining Registrar),
 Goldfield or Mineral Field.

Rent	.....	.....	.....	.....	\$
Survey Fee	.....	.....	.....	.....	\$

					\$

If the application is for a Miner's Homestead the number, date, and place of issue of the applicant's Miner's Rights must be supplied.

If the application is made by an association or company, other than a company registered under the Companies Act, 1943¹, the constitution of the association or company, the number of shares, and the names of the shareholders must be given.

Form No. 10.
 (Reg. 100.)

NOTICE OF APPLICATION FOR A LEASE.

No. _____

NOTICE is hereby given that _____, of _____, the undersigned, has made application this day for a lease under the provisions of the Mining Act, 1904, of ground to be known as _____, containing _____ acres

_____ roods _____ perches, commencing _____
 Dated at _____, this _____ day of _____,
 19____.

Signature of Applicants or Agent.

Objections against the application above referred to must be lodged at the Warden's Office on or before the _____ day of _____, 19____, and the hearing of the application will take place on the _____ day of _____ next.

Warden (or Mining Registrar),
 Goldfield or Mineral Field.

Form No. 11.
 (Reg. 110.)

NOTICE OF WITHDRAWAL OF APPLICATION FOR A LEASE.

To the Warden of the _____ Goldfield or Mineral Field.

I (or we) hereby give you notice that I (or we) withdraw my (or our) application, No. _____, under the provisions of the Mining Act, 1904, for _____ lease.

Dated at _____, this _____ day of _____, 19____.
 Signature of Applicant.

Received this note at _____ o'clock _____ m., on the
 day of _____, 19____.

Warden (or Mining Registrar),
 Goldfield or Mineral Field.

¹ Now Companies Act, 1961.

Form No. 12.
(Reg. 116.)

[Duty Stamp.]

TRANSFER OF A LEASE OR INTEREST THEREIN.

No. _____
KNOW all men by these presents that *a* _____
of _____ *b* _____ *c* _____ Lease No. _____
known as _____ on the _____ Goldfield or Mineral
Field, and containing _____ acres _____ roods _____ perches in
consideration of *d* _____ do hereby transfer and assign all
right, title, and interest in _____ shares of the said
e _____ Lease to *e* _____, of _____;
and I (or we) hereby request that this transfer may be registered
at the office of the Department of Mines, and recorded at the office
of the Warden of the _____ Goldfield accordingly.

In witness whereof the parties hereto have hereunto set their
hands this _____ day of _____, 19 _____.

Signed by the said }
.....
in the presence of } _____ Witness. _____ Transferor.

Signed by the said }
.....
in the presence of } _____ Witness. _____ Transferee.

The above transfer was lodged at the _____ office
at _____ m., on the _____ day of _____, 19 _____, with fee of
\$ _____.

Warden or Mining Registrar,
Goldfield or Mineral Field.

The within transfer was duly registered at the Department of
Mines at _____ m., on the _____ day of _____, 19 _____.
Principal Registrar.

Note.—Stamp duty is payable on this transfer on the amount of
value of the consideration at the rate of fifty cents for every fifty
dollars or fraction thereof.

a Names to be given in full. *b* Proprietor of or applicant for.
c Description of Lease. *d* The exact nature of the consideration
must be stated. *e* If the transfer affects a Miner's Homestead Lease,
the transferee must state the number, date, and place of issue of
his Miner's Right.

Form No. 13.
(Regs. 54, 55, 119.)

APPLICATION FOR AMALGAMATION.

To the Warden of the.....Goldfield or Mineral Field.

I (or we), the undersigned, being the registered holders of
leases/claims No.....known as.....situated upon the
.....Goldfield (or Mineral Field) and containing
together.....acres.....roods.....perches, hereby make
application for the amalgamation of the said leases/claims under
the provisions of the Mining Act, 1904, and request you to forward
this application to the Minister, with your report thereon, for his
approval.

I (or we) annex hereto a sketch showing the position of the
leases/claims to be amalgamated.

Dated at....., this.....day of....., 19.....

.....
Signature of Applicant.

Received this application atm., on the..... day of
....., 19....., with a fee of.....

.....
Warden or Mining Registrar,
Goldfield or Mineral Field.

Form 13
substituted
by G.G.
3/3/67, p.
624.

Form 14
substituted
by G.G.
3/3/67, p.
624.

Form No. 14.

(Regs. 54, 55, 120.)

CERTIFICATE OF AMALGAMATION.

I HEREBY certify that the undermentioned leases/claims have, with the approval of the Minister, been amalgamated under the provisions of the Mining Act, 1904.

Goldfield or Mineral Field	Nos. of Tenements	Area	Name of Proprietor

Dated this day of 19.....

Fees paid \$.....

.....
Under Secretary for Mines.

Form No. 15.

(Reg. 122.)

SURRENDER OF LEASE.

I (or we), of being the registered holder(s) of Lease (or Mining Tenement) No., situate at hereby surrender to His Majesty the said lease and all my (or our) right, title, and interest therein, and request that the same may be cancelled in the register of the Department of Mines (*if the surrender is a conditional one, add*) conditionally on my (or our) application for being granted.

In witness whereof have hereunto set hand and seal this day of 19

Signature.

Received this surrender at o'clock m., on the day of , 19

Warden or Mining Registrar,
Goldfield or Mineral Field.

Form No. 16.

(Reg. 123.)

NOTICE PRIOR TO FORFEITURE OF A LEASE.

NOTICE is hereby given that in accordance with Section 9 of the Mining Act, 1904, it is the intention of the Governor to forfeit the undermentioned lease(s) at the expiration of thirty days from this date for breach of covenant, viz. (*here set out alleged breach of covenant*).

Dated at , this day of , 19

Minister for Mines.

Number of Lease	Names of Lessees

Form No. 17.

(Reg. 125.)

NOTICE TO APPLICANT FOR LEASE.

To

Applicant for lease No. of land situate at in the Goldfields or Mineral Field.

I HEREBY give you notice that I intend to enter upon the land described in your application for the purpose of searching for and obtaining alluvial gold or minerals pending the said application being granted.

Dated at , this day of , 19 .

(Signed),

Miner's Right No..... Date..... Place of Issue.....

Form No. 18.

(Reg. 128.)

NOTICE OF RESUMPTION OF PRIVATE LAND BY THE GOVERNOR.

To [] the owner of the land situated at [] and being

TAKE notice that, after the expiration of three months from this date, it is the intention of the Governor to resume the above mentioned land on behalf of the Crown, in accordance with the provisions of Sections 142, 143 and 144 of the Mining Act, 1904, for the purpose of granting mining leases or claims over the same.

Dated at , this day of , 19 .

Minister for Mines.

Form No. 19.

(Reg. 129.)

APPLICATION FOR PERMIT TO ENTER ON PRIVATE LAND.

To the Warden of the Goldfield or Mineral Field (or to the Resident Magistrate) Magisterial District.

PURSUANT to the provisions of Section 146 of the Mining Act, 1904, I hereby make application for a permit to enter upon (here set out particulars of the land) for the purpose of (here state whether the application is for the purpose of searching for gold or any mineral, or to mark out a mining lease or claim, and the nature of such lease or claim).

Dated at , this day of , 19 .

Signature of Applicant.

Miner's Right No..... Date..... Place of Issue.....

Received this application at o'clock .m., on the day of , 19 .

Warden or Mining Registrar, Goldfield or Mineral Field.

Form No. 20.

(Reg. 133.)

APPLICATION FOR A PROSPECTING AREA ON PRIVATE LAND.

I, being the holder of a permit to occupy the private land described in the schedule hereto, hereby make application for a prospecting area over _____ acres thereof, and a reserved area over the remainder (or _____ acres thereof). I annex a sketch or plan showing the position of the proposed prospecting area and reserved area respectively.

Dated this _____ day of _____, 19____
Signature.

Miner's Right No..... Date..... Place of Issue.....

Received this application at _____ o'clock _____ m., on the
day of _____, 19____, with fee of _____

Warden or Mining Registrar,
Goldfield or Mineral Field,
or Resident Magistrate.

Form No. 21.

(Reg. 140.)

APPLICATION BY OWNER OF PRIVATE LAND FOR
EXCLUSIVE RIGHT TO MINE THEREON.

WHEREAS the Governor has, by notice in the *Government Gazette* of the _____ day of _____, 19____, declared that, at the expiration of the period therein stated, the undermentioned land of which I am (*here state whether owner, conditional purchaser, lessee or holder of a concession with or without the right of acquiring the fee simple*) shall come within the operation of Part VII of the Mining Act, 1904.

Now I, in pursuance of the provisions of Section 178 of the said Act, attach hereto applications to be registered as the holder of the right, to the exclusion of all other persons, to mine the land for the minerals therein specified.

Dated this _____ day of _____, 19____
Signature of Applicant.

Received this application at _____ o'clock _____ m., on the
day of _____, 19____.

Warden or Mining Registrar,
Goldfield or Mineral Field,
or Resident Magistrate.

Form No. 22.

(Reg. 148.)

NOTICE OF MARKING OFF A MINING TENEMENT OTHER
THAN A LEASE.

NOTICE is hereby given that I (or we), the undersigned, of _____ have this day, at the hour of _____ o'clock _____ m., marked off this land as a (*here state particulars of the mining tenement to be applied for*) under the provisions of the Mining Act,

1904. The dimensions of the ground intended to be applied for are [] and the following is a description of the boundaries thereof:—

(Here set out particulars.)

Dated this day of , 19 .

Signature of Applicant.

Miner's Right No..... Date..... Place of Issue.....

Form No. 23.
(Reg. 153.)

APPLICATION FOR REGISTRATION OF A MINING TENEMENT
OTHER THAN A LEASE.

No.

PURSUANT to the provisions of the Mining Act, 1904, I (or we) hereby apply for registration of the land taken possession of and marked off by me (or us) at o'clock .m., on the day of , 19 , as a (*here state the nature of the mining tenement applied for*). The land is more particularly described in the Schedule hereunder, and the position thereof is shown on the annexed sketch or plan.

Dated this day of , 19 .

Signature.

Miner's Right No..... Date..... Place of Issue.....
To the Warden of the Goldfield (or) Mineral Field.

The Schedule above referred to.

Name or Names of Applicants in full and Address	Interest of each *	Situation and boundaries of land applied for	Approximate Area	Remarks
	Shares " "			
Total Number of Shares				

* This column to be filled up only when the application is for a claim.

Received this application at o'clock .m., on the day of , 19 , with fees as under.

Warden or Mining Registrar,
Goldfield or Mineral Field.

Fees { Registration.
Survey.
Rent (if any).

The above application was granted (or refused) by me on the day of , 19 .

Warden,
Goldfield.

Form No. 24.
(Reg. 153.)

NOTICE OF APPLICATION FOR A MINING TENEMENT OTHER
THAN A LEASE.

No.

NOTICE is hereby given that , of , the undersigned, has this day made application, under the provisions of the Mining Act, 1904, for ground containing acres roods perches, as a (*here state the nature of the mining tenement applied for*), particulars of the boundaries whereof are set out at foot.

As witness hand at this day
, 19 .

Signature of Applicants.

Objections against the application above referred to must be lodged at the Warden's Office on or before the day of , 19 .

Warden or Mining Registrar,
Goldfield or Mineral Field.

Particulars above referred to.

Form No. 25.

(Reg. 159.)

FORM OF OBJECTION.

No.

To the Warden of the Goldfield or Mineral Field.

I (or we), the undersigned, hereby give you notice that I (or we) object (as the case may be) for the following reasons, viz:

(Here set out the reasons.)

And we require you to withhold (as the case may be) pending the hearing by you of my (or our) said objections.

Dated this day of , 19 .

Signature.

Received the above objection at o'clock .m., on the day of , 19 , with fee of .

This objection will be heard in the Warden's Court on the day of , 19 , at the hour of o'clock .m.

Signature,

Warden or Mining Registrar,
Goldfield or Mineral Field.

Form No. 26.

(Reg. 161.)

NOTICE OF WITHDRAWAL OF APPLICATION FOR A MINING TENEMENT OTHER THAN A LEASE.

To the Warden of the Goldfield or Mineral Field.

I (or we) hereby give you notice that I (or we) withdraw my (or our) application No. , for a under the provisions of the Mining Act, 1904.

Dated this day of 19 .

Signature.

Received this notice at o'clock .m., on the day of , 19 .

Warden or Mining Registrar,
Goldfield or Mineral Field.

Form No. 27.

(Reg. 162.)

CERTIFICATE OF REGISTRATION.

No.

THIS is to certify that I have this day registered
of _____, as a holder of _____ subject
to the provisions of the Mining Act, 1904, and the Regulations there-
under.

Dated at _____ this _____ day of
, 19 _____

Warden (or) Mining Registrar,
Goldfield (or) Mineral Field.

NOTE.—This certificate is to be issued to each shareholder, and
must specify the interest or share held, and must be produced at
the Warden's office when a transfer of the interest is required.

Form No. 28.

(Reg. 172.)

APPLICATION FOR EXEMPTION.

No.

I (or we), the undersigned* _____ the (here state
the nature of the mining tenement) known as _____ in
the _____ Goldfield or Mineral Field do hereby give
notice that, at the expiration of _____ clear days from this date,
I (or we) intend to apply for exemption from**
of the above _____ for the period of
calendar months, on the following grounds, viz.:—

Dated this _____ day of _____, 19 _____

Signature.

Objections against the above application must be lodged at the
Warden's Office on or before the _____ day of
19 _____

Received this application at _____ o'clock _____ m., on the
day of _____, 19 _____, with
fee of _____

Warden (or) Mining Registrar,
Goldfield (or) Mineral Field.

The above application was heard before me in open Court on
the _____ day of _____, 19 _____, and I
made the following recommendation or order thereon:—

Warden,
Goldfield (or) Mineral Field.

* Proprietor of, or partner in.

** Work, occupation, or use.

Form No. 29.

(Reg. 174.)

CERTIFICATE OF EXEMPTION.

No.

THIS is to certify that the holders of* _____ No.
have this _____ day of _____, 19 _____, been
granted exemption from** _____ for a period of _____
from the _____ day of _____, 19 _____,
inclusive, on the following terms and conditions:—

Conditions.

Given under my hand this _____ day of _____,
19 _____

Warden (or) Mining Registrar,
Goldfield (or) Mineral Field.

* Insert class of holding.

** Work, occupation, or use.

Form No. 30.

Western Australia.

Mining Act, 1904.

STATUTORY DECLARATION TO BE MADE BY APPLICANT FOR EXEMPTION AS OF RIGHT UNDER SECTION 94.

I, _____, of _____, being the lessee do solemnly and sincerely declare as follows:—

The following particulars relating to Leases Nos. _____, on which I am applying for exemption under Section 94 of the Mining Act, 1904, are, to the best of my knowledge, information, and belief, true and correct in every respect:—

PARTICULARS REFERRED TO.

1. No. of lease or leases	.....
2. Area thereof	.....
3. Are leases amalgamated? (Separate applications to be made for each group amalgamated and each lease not amalgamated.)	.....
4. Date on which leases were acquired	.....
5. Is this Application made under Subsection 1 of Section 94?	.....
(a) Are the leases the property of working miners?	.....
(b) Have the leases been worked continuously and <i>bona fide</i> for eight consecutive months from the lessees' own resources?	.....
6. Is this Application made under Subsection 2 of Section 94?	.....
If so, are the lessees—	.....
(a) Partly working miners and partly subscribing shareholders, or	.....
(b) A registered Company having a nominal capital not exceeding ten thousand dollars?	.....
(c) Have the leases been worked continuously and <i>bona fide</i> for at least nine months?	.....
7. Is this Application made under Subsection 3 of Section 94?	.....
(a) How were leases acquired? (If on reconstruction, the date of registration of transfer to present owner must be given.)	.....
*(b) Amount of money expended by present owner (inclusive of any amount spent prior to transfer only where leases were acquired on a reconstruction) since the expiration of the last exemption granted under Section 94.	.....
*(c) Work done by lessee since last exemption obtained under Section 94:—	.....
(a) Sinking	.....
(b) Driving, crosscutting, etc.	.....
*(d) Amount of money spent by present lessee since last exemption granted under Section 94:—	.....
(a) Wages	.....
(b) Contractors	.....
(c) On machinery	.....
(d) On other mining requisites exclusive of any sold or exchanged.	.....
(e) Other expenditure	.....
*(e) Quantity and value of gold or mineral won, other than by tributers, since last exemption granted under Section 94, and inclusive of any Royalties paid by tributers during this period.	.....

* If no term previously granted, then since acquisition of property by lessee.

In accordance with the provisions of Subsection 3 of Section 94 of the Mining Act, 1904, and regulations thereunder, I am prepared to let tribute on other than the main workings of the mine in the event of the exemption applied for being granted, on such conditions as may be prescribed, and I am further prepared—

- (a) To advertise or call for tenders for tribute in any part of the mine other than the main workings, for a period covering the term of exemption.
- (b) To accept any tender received, provided the amount of the tribute offered is not less than 2½ per cent. of the gross value of the gold or mineral won from virgin ground; 5 per cent. from old workings yielding not more than \$4 per ton, and 10 per cent. from such workings yielding more than \$4 per ton.
- (c) To lodge a tribute for registration containing the provisions set out in Regulation 209.

I produce an accurate plan showing the workings of the lease, in which the main workings are also clearly set out. I claim that the same are main workings, for the following reasons:—

And I make this solemn declaration by virtue of Section One Hundred and Six of the Evidence Act, 1906.

Declared at....., this..... }
day of....., 19....., before me }

Form No. 31.
(Reg. 176.)

SPECIAL LICENSE.

I, _____, Minister for Mines, in the State of Western Australia, acting under the powers vested in me by Section 96 of the Mining Act, 1904, do hereby license the lessees of Coal Mining Leases Nos. _____ in the _____ Mineral Field to suspend the labour conditions on such leases for a term of _____ calendar months from the _____ 19____, during which period the whole or any of such leases shall be free from liability to forfeiture, on the following conditions:—

That

This license is granted conditionally upon the payment by the Lessees of \$ _____ into the Consolidated Revenue.

Given under my hand at Perth this _____ day of _____, 19____
Minister for Mines.

Form No. 32.
(Reg. 185.)

CERTIFICATE OF REGISTRATION OF STACK OF EARTH, ETC.

No. _____

THIS is to certify that I, _____, have this day registered the stack of earth on the _____ No. _____, known as _____ situated at _____, as the property of _____, and provided the conditions of the Regulations are complied with, no person shall remove or interfere with the same or any portion thereof, for a period of _____ months from the date hereof, without the permission in writing of the said _____.

Given under my hand at _____ this _____ day of _____, 19____
Warden (or) Mining Registrar,
Goldfield (or) Mineral Field.

The above certificate was duly registered by me on the _____ day of _____, 19____.

Warden (or) Mining Registrar,
Goldfield (or) Mineral Field.

Form No. 33.
(Reg. 188.)

Duty Stamp

TRANSFER OF MINING TENEMENT, OR INTEREST THEREIN, OTHER THAN A LEASE.

No. _____

I (or we), of _____, in consideration of the sum of _____ dollars this day paid to me (or us) by _____, of _____, do hereby transfer to the said _____ my (or our) [here

state particulars of the mining tenement, or interest therein, the subject of the transfer], subject to all the terms and conditions under which I (or we) now hold the same, and I (or we) the said , do hereby accept the said subject to the terms and conditions aforesaid.

Dated this day of , 19 .

Signature of Transferor.
Signature of Transferee.

Witness to the Signature of Transferor

Witness to the Signature of Transferee

Received the above transfer this day of , 19 ,
at the hour of o'clock m., with fee of .

Warden (or) Mining Registrar,
Goldfield (or) Mineral Field.

Form No. 34.

(Reg. 188.)

CERTIFICATE OF TRANSFER OF A MINING TENEMENT, OR INTEREST THEREIN, OTHER THAN A LEASE.

No. .

THIS is to certify that I have this day registered a transfer of the (here state nature and number of tenement or the share therein, as the case may be) situated on the Goldfield (or) Mineral Field, from to of and the said is now the registered holder thereof, subject to the provisions of the Mining Act, 1904, and Regulations thereunder.

Given under my hand this day of , 19 .

Warden (or) Mining Registrar,
Goldfield (or) Mineral Field.

Form No. 35.

(Reg. 190.)

Duty Stamp

PARTNERSHIP LIEN.

To the Warden or Mining Registrar of the Goldfield
or Mineral Field.

WHEREAS , of , are the registered owners of No. situate at , and are carrying on the same in partnership. And Whereas I, being one of the said partners, have expended on account of the said partnership the sum of \$. Now I do hereby apply, in accordance with Section 282 of the Mining Act, 1904, to be registered as the holder of a lien against the interest of , one of my co-partners, as security for the due payment of \$ being the proportion of the said amount due from the said , and I request registration of the same forthwith.

Dated this day of , 19 .

Signature.

Received and registered this lien at o'clock m., on the
day of , 19 , with fee of .

Warden (or) Mining Registrar,
Goldfield (or) Mineral Field.

Form No. 36.

(Reg. 190.)

Duty Stamp

TRANSFER OF INTEREST SOLD UNDER A PARTNERSHIP LIEN.

IN pursuance of the partnership lien registered against the interest of ... in ... [here set out particulars], in favour of ... on the ... day of 19 ... and of a sale of the said interest, under an order of the Court, dated the ... day of ... which was duly held on the ... day of ... last, at which ... of ... was declared the purchaser, do hereby transfer the said interest to the said ... and I, ... the purchaser, do hereby accept the said transfer subject to the conditions and restrictions under which the same was held at the date of sale.

Dated this ... day of ... 19 ... Signature Warden or Mining Registrar. Signature Purchaser.

Witness to the Signature of the Purchaser

[The No., date, and place of issue of the Miner's Right of the purchaser must be set out, except in the case of a lease.]

Received this transfer at ... o'clock ... m., on the day of ... 19 ... with a fee of ...

Warden or Mining Registrar, Goldfield or Mineral Field.

The within transfer was duly registered at my office at ... m., on the ... day of ... 19 ...

Warden or Mining Registrar, Goldfield or Mineral Field.

Form No. 37.

(Reg. 191.)

DECLARATION RE LIEN FOR WAGES.

I, ... of ... do solemnly and sincerely declare as follows:—

1. I was employed as (here set out the capacity in which the Declarant was employed and the rate of wages per week) on (here set out particulars of the mining tenement).

2. I was so employed from the ... day of 19 ... to the ... day of ... 19 ... inclusive.

3. There is now due and owing to me for work done on the said holding the sum of \$... being ... weeks' wages at the rate aforesaid, and I claim a lien for the said amount on the said holding.

And I make this declaration by virtue of the provisions of section one hundred and six of the Evidence Act, 1906.

Declared at this ... day of 19 ... before me }

Signature.

Received this declaration with fee of ... at ... m., on the day of ... 19 ...

Warden or Mining Registrar, Goldfield or Mineral Field.

Form No. 38.
(Reg. 192.)

Duty Stamp

MORTGAGE OF A MINING TENEMENT OR
INTEREST THEREIN.

I (or we), _____, of _____, being the registered holder of (*here describe the holding*), in consideration of the sum of \$ _____ advanced to me or us by (or due by me or us to) _____ of _____ (or in consideration of further advances to be made by the said _____ to me or us, not exceeding a total of \$ _____), hereby mortgage my or our said holding (or interest therein or a part thereof, *as the case may be*) to _____ . And I or we do hereby covenant and agree with the said _____ that I or we will repay the said sum (and further advances, if any) on (*here insert day appointed for repayment, covenant for payment of interest, and such other covenants, stipulations, and powers as may be agreed upon*).

And in default of performance on my (or our) part of the above covenants, or any of them I (or we) authorise the said _____ to sell the said tenement (or my interest in the said tenement), in accordance with provisions of the Mining Act, 1904, and the Regulations in force for the time being thereunder.

In witness whereof I (or we) have hereto set my (or our) hand(s) this _____ day of _____, 19 _____ .

Signature of Mortgagor.
Signature of Mortgagee.

Signed by the abovenamed }
Mortgagor in my presence }
A.B. of etc.

Signed by the abovenamed }
Mortgagee in my presence }
C.D. of etc.

Received this Mortgage at _____ o'clock _____ m., on the _____ day of _____, 19 _____, with fee of _____ .
Warden or Mining Registrar,
Goldfield or Mineral Field.

Form No. 39.
(Reg. 197.)

Duty Stamp

TRANSFER OF A MINING TENEMENT SOLD UNDER POWERS
CONTAINED OR IMPLIED IN A MORTGAGE.

I, _____, of _____, being the registered holder of a mortgage on (*here state particulars*) have, in pursuance of the powers contained or implied therein, and in consideration of the sum of \$ _____, sold the said (*here state particulars*) to _____ of _____ . And I do hereby transfer the said (*here state particulars*) to the said _____ subject to the conditions and restrictions under which the said mortgagor held the same, and I, the said purchaser, hereby accept the transfer subject to the said conditions and restrictions.

Dated this _____ day of _____, 19 _____ .

Signature _____
Mortgagee.

Witness to the signature of—

Signature _____
Purchaser.

Witness to the signature of—

Received this transfer at _____ o'clock _____ m., on the _____ day of _____, 19 _____, with fee of _____ .

Warden or Mining Registrar,
Goldfield or Mineral Field.

Form No. 40.
(Reg. 199.)

Duty Stamp

CERTIFICATE OF DISCHARGE OF MORTGAGE.

I (or we), _____, of _____, being the mortgagee mentioned in a mortgage dated the _____ day of _____, and registered on the _____ day of _____, against the (*here set out particulars of mortgaged tenement or interest*), do hereby certify and acknowledge that the whole of the debt or liability secured by the said mortgage has been fully paid and discharged, and I (or we) hereby request the Minister (or Warden) to forthwith cancel the said mortgage.

Dated at _____ this _____ day of _____, 19 _____.

Signed by the said _____ }
in my presence, this _____ }
day of _____, 19 _____ } Signature

Received this discharge at _____ o'clock _____ m., on the _____ day of _____, 19 _____, with fee of _____.

Warden or Mining Registrar,
Goldfield or Mineral Field.

Form No. 41.
(Reg. No. 200.)

Duty Stamp

TRANSFER OF A MORTGAGE.

I (or we), _____, of _____, being the registered holder of a mortgage on (*here set out particulars and date of registration of mortgage*), in consideration of the sum of \$ _____ this day paid to me (or us) by _____, of _____, of which sum I (or we) hereby acknowledge the receipt, hereby transfer to the said _____ the full benefit, of the said mortgage.

Dated at _____ this _____ day of _____, 19 _____.

Signed by the transferor } Signature
In the presence of } Transferor.

Signed by the transferee } Signature
In the presence of } Transferee.

Received this transfer at _____ o'clock _____ m., on the _____ day of _____, 19 _____, with fee of _____.

Warden or Mining Registrar,
Goldfield or Mineral Field.

Form No. 42.
(Reg. No. 202.)

CAVEAT AGAINST A MINING TENEMENT.

No. _____

To the Warden or Mining Registrar at _____.

TAKE notice that I, _____, of _____, by virtue of _____ claim an interest, amounting to _____ in (*here set out full particulars*) and I forbid the registration of any transfer, mortgage, lien or surrender affecting such tenement, and

I appoint _____ as the place at which notices and proceedings relating hereto may be served.

Dated this _____ day of _____, 19 _____ Caveator.

Signed by the said } _____
in the presence of } Witness.

The above Caveat was received at _____ o'clock _____ m., on the _____ day of _____, 19 _____, with fee of _____
Warden or Mining Registrar,
Goldfield or Mineral Field.

Form No. 43.
(Reg. 203.)

CAVEAT BY CONSENT.

No. _____
To the Mining Registrar at _____

WHEREAS _____, of _____ ha applied for (or is owner of a *here set out particulars*) registered in the books of the Department of Mines as NO. _____ and whereas _____, of _____, ha agreed to purchase all the right, title, and interest of the first-named person _____ in and to the said tenement (or as the case may be) on the terms stated in the copy agreement hereunto annexed—

Now it is hereby agreed between the said parties that, pending the completion of the said purchase, and the final registration of the transfer of the above described _____ to _____ this caveat shall be an effectual bar to the transfer, or assignment of the same during such period, and no longer.

In witness whereof the parties hereto have hereunto set their hands this _____ day of _____, 19 _____

Signed by the said } _____
in the presence of } Witness. Signature.....

Signed by the said } _____
in the presence of } Witness. Signature.....

The above caveat was received at the _____ office, at _____ m., on the _____ day of _____, 19 _____, with fee of _____

Warden or Mining Registrar,
Goldfield or Mineral Field.

Form No. 44.
(Reg. 214.)

APPLICATION FOR LICENSE TO CONSTRUCT A DRIVE.

To the Hon. Minister for Mines.

I (or we), being the (or one or more of) holder(s) of and in occupation of the mining tenement (*here state particulars*), hereby make application to the Governor to grant to me (or us) a license to construct a drive or drives through (*here set out particulars of the land through which the drive is to be constructed*), and, in the event of the same being granted I (or we) agree to comply with such reservations, conditions, and provisions as the Governor may determine.

Dated this _____ day of _____, 19 _____

Received this application this _____ day of _____, 19 _____, with fee of _____

Warden or Mining Registrar,
Goldfield or Mineral Field.

PENNYWEIGHTS AND GRAINS EXPRESSED IN
DECIMALS OF AN OUNCE

Dwts	Equivalent in Decimals of an Ounce	Grains	Equivalent in Decimals of an Ounce
1	.05	1	.00208
2	.10	2	.00416
3	.15	3	.00625
4	.20	4	.00833
5	.25	5	.0104
6	.30	6	.0125
7	.35	7	.0145
8	.40	8	.0166
9	.45	9	.0187
10	.50	10	.0208
11	.55	11	.0229
12	.60	12	.0250
13	.65	13	.0270
14	.70	14	.0291
15	.75	15	.0312
16	.80	16	.0333
17	.85	17	.0354
18	.90	18	.0375
19	.95	19	.0395
		20	.0416
		21	.0437
		22	.0458
		23	.0479

NOTE.—The estimated value of gold in each gross ounce of metal produced.—In arriving at this estimate no deductions should be made for Mint, Bank, or other charges, the gross value being required. The Mint returns always show the calculated weight of standard gold in a deposit, and the gross cash value of that standard gold at the sterling rate of £3 17s. 10½d. per ounce. The value per ounce of gold as produced from the mine, however, is what is required, and it can be obtained from a Mint return, thus :—

Divide the weight of standard gold by the weight before melting, and multiply the result by £3 17s. 10½d.

The following are two examples of the working of this formula :—

Example (a).—Weight before melting, 47.41 oz.
 of standard gold, 38.19 oz.
 $.805 \times £3\ 17s.\ 10\frac{1}{2}d. =$
 $.805 \times £3.894 =$
 $.805$

47413819.0(.805
 3792.8
 26200
 23705
 2495

19470
 311520
 £3.134(070)
 20

s. 2.680
 12

d.8.100 = £3 2s. 8d., value per ounce of gold as produced from the mine.

Example (b).—Weight before melting, 302.67 oz.
 of Standard gold, 320.10 oz.
 $1.057 \times £3\ 17s.\ 10\frac{1}{2}d. =$
 $1.057 \times £3.894 =$
 3.894

3026732010(1.057
 30267
 174300
 151335
 229650
 211869
 17781

4228
 9513
 8456
 3171
 £4.115(958)
 20

s. 2.300
 12

d. 3.600 = £4 2s. 3½d., value per oz. of gold as produced from the mine.

Mining Registrars are requested to scrutinise all coining values and, where necessary, to afford assistance to those in doubt as to what is required by the Department.

EXAMPLE, SHOWING METHOD OF COMPILING THE RETURN

Name of Mine	Ore Treated					Production											
	Process	Milled or Smelted	Concentrates	Slimes	Sands	Milled or Smelted			Concentrates			Slimes			Sands		
						Gross Weight	Containing		Gross Weight	Containing		Gross Weight	Containing		Gross Weight	Containing	
							Fine Gold	Fine Silver		Fine Gold	Fine Silver		Fine Gold	Fine Silver		Fine Gold	Fine Silver
G.M. Co. Ltd.	Raw amalgam	tons 12,243	tons	tons	tons	oz. 3,788	oz. 3,120	oz. 668	oz.	oz.	oz.	oz.	oz.	oz.	oz.	oz.	oz.
	Smelting	121	....	....	....	387	335	52	....	....	....	....	....	....	....	....	....
	Roasting, amalgamation, and cyanidation	....	682	....	....	....	....	....	8,129	2,974	155	....	....	....	....	....	....
	Cyanide ....	....	....	5,202	....	....	....	....	....	....	....	3,742	2,821	921	....	....	....
	Cyanide ....	....	....	....	6,539	....	....	....	....	....	....	....	....	....	....	3,315	2,636 679

N.B.—If the fine contents are unknown to the leaseholder, the column headed "Gross Weight" should be filled in, and the estimated value per ounce stated.

Reg. 216

To be rendered in duplicate.

Mining Act, 1904

Form No. 46

MONTHLY STATEMENT BY HOLDERS OF LAND TAKEN UP FOR TIN MINING

.....Mineral Field

(To be furnished to the Warden or Mining Registrar not later than the 10th of each month)

Year	Month	Locality	Official Number of Lease or Claim	Registered Name of Holder and Mine	Average Number of Men employed		Work done in feet			Area in Acres	Lode or Stream Tin	Ore or Wash dirt treated	Black Tin sent to Smelter by Rail or otherwise †	Estimated Value thereof	Remarks
					Above Ground	Under Ground	Sink-ing	Driv-ing	Stop-ing						

† The Black Tin sent to smelter need not necessarily be the result only of ore or wash-dirt treated for the month under review. be expressed in decimals.

Note.—Fractions of tons and dollars should

I hereby certify that the above is a true statement of all the particulars therein set forth.

Dated this.....day of....., 19.....

.....
Owner or Manager.

Reg. 216

Mining Act, 1904

To be rendered in duplicate

Form No. 47

.....Goldfield or Mineral Field

MONTHLY STATEMENT BY HOLDERS OF LAND TAKEN UP FOR MINING FOR MINERALS OTHER THAN COAL OR PRECIOUS STONES

(To be furnished to the Warden or Mining Registrar not later than the 10th of each month)

Year	Month	Locality	Official Number of Lease or Claim	Registered Name of Holder and Mine	Average Number of Men employed		Work done in feet			Area in Acres	Name of Metal	Ore or Waste dirt treated	Metal or Mineral therefrom †	Estimated Value thereof	Remarks
					Under Ground	Above Ground	Sink-ing	Driv-ing	Stop-ing						
												Tons	Tons	\$	

I hereby certify that the above is a true statement of all the particulars therein set forth.

Dated this.....day of....., 19.....

.....Owner or Manager.

† In the case of Copper and Lead, the estimated metal concentrates should be given ; and in the case of Mica and Asbestos, the information should be inserted in this column.

Note.—Fractions of tons and dollars should be expressed in decimals.

Reg. 216

To be rendered in duplicate.

Mining Act, 1904

Form No. 48

.....*Mineral Field.*

MONTHLY STATEMENT BY HOLDERS OF LAND TAKEN UP FOR COAL MINING

(To be furnished to the Warden or Mining Registrar not later than the 10th of each month)

Year	Month	Locality	Official Number of Lease or Claim	Registered Name of Holder and Mine	Average Number of Men employed		Work done in feet		Area in Acres	Coal raised	Estimated Value	Remarks
					Above Ground	Under Ground	Sinking	Driving				
										Tons	\$	

I hereby certify that the above is a true statement of all the particulars therein set forth.

Dated this.....day of....., 19.....

....., Owner or Manager.

Note.—Fractions of tons and dollars should be expressed in decimals.

Reg. 216

Mining Act, 1904

.....Goldfield or Mineral Field.

To be rendered in duplicate.

Form No. 49

MONTHLY STATEMENT BY HOLDERS OF LAND TAKEN UP FOR MINING FOR DIAMONDS AND OTHER PRECIOUS STONES

(To be furnished to the Warden or Mining Registrar not later than the 10th of each month)

Year	Month	Locality	Official Number of Lease or Claim	Registered Name of Holder and Mine	Average Number of Men employed		Area in Acres	Diaman- tiferous Matrix Treated	Average Yield per ton	Estimated Value	
					Above Ground	Under Ground					
								Tons	Carats	\$	

I hereby certify that the above is a true statement of all the particulars therein set forth.

Dated this.....day of....., 19.....

....., Owner or Manager.

To be rendered in duplicate.

Mining Act, 1904
Form No. 50

Reg. 217

MONTHLY RETURN BY MANAGER OF MACHINERY FOR EXTRACTING GOLD	Average number of men employed		Particulars of Plant								Goldfield.....	
	Above ground	Under ground	Milling					Cyaniding			District.....	
			Num-ber of Battery Stamps	Ball Mills	Crush-ing Rollers	Griffin Mills	Hunt-ington Mills	Pud-dlers	Tren-main Mills	Leach-ing Vats	Cap-acity (tons) of each	Filter Presses	Mining Centre.....
												No. of Machinery Area, W.R., or Lease.....
												Area in Acres.....

For the Month of....., 19 ..

Name of Works.....
(To be furnished to the Warden or Mining Registrar not later than the 10th of each month)

Date of Treatment of Ore	Particulars of Lease, Claim, or Area, whence derived				Ore Treated (2,240 lb. to the ton)				Production						Estimated Value of Gold in each gross ounce of metal produced *		Value per ton of Ore treated	
									Milled or Smelted			Other Processes						
	No. of Lease, Claim, or Area	Name	Owner	Goldfield or District	Milled or Smelted	Con-centrates	Slimes	Sands	Gross Weight	Containing		Name of Process *	Gross Weight	Containing				
										Fine Gold	Fine Silver			Fine Gold	Fine Silver			
				tons	tons	tons	tons	ozs.	ozs.	ozs.		ozs.	ozs.	ozs.	\$	c	\$	c

* In this column state against each amount the name of the process by which it was derived, viz., by concentrates, by slimes, by sands—see example at back. When possible this estimate should be based upon the last returns furnished by the Mint.

I hereby certify that the above is a true statement of all the particulars therein set forth.

Dated thisday of....., 19.....

.....Owner or Manager.

Reg. 217
To be rendered in duplicate

Mining Act 1904

Form No. 51

MONTHLY RETURN BY MANAGER OF MACHINERY FOR EXTRACTING TIN

For the Month of....., 19 .

(To be furnished to the Warden or Mining Registrar not later than the 10th of each month)

Mineral Field.....

Number of M.A. or Lease.....

Name of Works.....

Average Number of Men Employed		Area in Acres	Particulars of Plant					Date of Treatment of Ore	Number of Lease or Claim whence derived				Stream or Lode Tin	Ore or Wash-dirt treated	Metal or Mineral therefrom	Estimated Value thereof	Remarks
Above Ground	Under Ground		Number of Stamps	Puddlers	Jiggers	Van-ners	Bud-dles		Smelt-ers	No.	Name	Owner						Mineral Field
													tons	tons	\$		

I hereby certify that the above is a true statement of all the particulars therein set forth.

Dated this.....day of....., 19

.....
Owner or Manager.

NOTE.—Fractions of tons and dollars should be expressed in decimals.

Reg. 217

To be rendered in duplicate.

Mining Act, 1904

Form No. 52

Goldfield or Mineral Field.....

Number of M.A. or Lease.....

Name of Works.....

MONTHLY RETURN BY MANAGER OF MACHINERY FOR EXTRACTING
MINERALS OTHER THAN GOLD OR TIN

For the Month....., 19
(To be furnished to the Warden or Mining Registrar not later than the 10th of each month)

Average Number of Men Employed		Area in Acres	Particulars of Plant						Date of Treatment of Ore	Number of Lease or Claim whence derived				Name of Mineral	Ore or Wash-dirt treated	Metal or Mineral therefrom †	Estimated Value thereof	Remarks
Above Ground	Under Ground		Number of Stamps	Puddlers	Jiggers	Vanners	Buddlers	Smelters		No.	Name	Owner	Gold-field or Mineral Field					
														tons	tons	\$		

I hereby certify that the above is a true statement of all the particulars therein set forth.

Dated this.....day of....., 19

.....
Owner or Manager.

† In the case of Copper and Lead, the estimated metal concentrates should be given.

NOTE.—Fractions of tons and dollars should be expressed in decimals.

Form No. 53.

(Reg. 231.)

APPLICATION FOR REGISTRATION AS EXECUTOR,
ADMINISTRATOR, Etc.

To the Warden or Mining Registrar of the Goldfield or
Mineral Field.

I, _____, of _____, hereby make applica-
tion to be registered as the holder of [*here set out particulars of
the mining tenement which has devolved on the applicant*].

I claim to be registered as such holder, in pursuance of the
[*here set out whether Probate, Administration, Order in Bankruptcy,
etc.*]. I annex an attested or office copy of the document under
which I claim to be so entitled.

Dated this _____ day of _____, 19 ____
Signature.

Executor (or as the case may be).

Received this application this _____ day of _____,
19 ____, with fee of _____

Warden or Mining Registrar,
Goldfield or Mineral Field.

Form No. 54.

(Reg. 234.)

DECLARATION IN LIEU OF LOST DOCUMENT.

No. _____

I, _____, of _____, in the State of Western Aus-
tralia, do solemnly and sincerely declare that I have lost my (*here
set out particulars of the lost document and the circumstances
under which it was lost*), and I make this declaration by virtue of
the provisions of section one hundred and six of the Evidence Act,
1906. I request, for the purpose of _____, this declara-
tion may be received in lieu of the said lost _____

Signature.

Declared before me at _____, this _____ day of _____,
19 ____

Warden (J.P. or Commissioner for Affidavits).

Received the above declaration at _____ o'clock, _____ m., on
the _____ day of _____, 19 ____, with fee of _____

Warden or Mining Registrar,
Goldfield or Mineral Field.

Form No. 55.

(Reg. 235.)

POWER OF ATTORNEY.

No. _____ [Duty Stamp.]

KNOW all men by these presents, that I _____, being the
holder of the following mining tenement, namely _____, not
being resident within (or intending to be absent for a period
exceeding thirty days from my residence within) the goldfield,
mineral field, or district in which the mining tenement is situated,
do hereby, in pursuance of Regulation 235 of the Regulations
under the Mining Act, 1904, appoint _____ of _____,
my attorney or agent, resident within the said goldfield, mineral
field, or district, upon whom any process or notice may be served.

Given under my hand and seal, this..... day of..... 19.....
Signed, sealed, and delivered by the said..... in the
presence of,—

Signature.....

Witness.....

Received the above Power of Attorney at o'clock m.,
on the..... day of....., 19....., with the fee of fifty cents.

.....
Warden or Mining Registrar.
.....
Goldfield or Mineral Field.

Form No. 56.
(Regs. 235 and 236.)
POWER OF ATTORNEY.

No. [Duty Stamp.]

KNOW all men by these presents that I.....
of....., do hereby make, constitute, and appoint
of....., my true and lawful
attorney to apply for and acquire on my behalf any mining
tenements under the Mining Act, 1904, and to sell to any person all
or any mining tenements, mortgages, whether extended or not, or
charges whether now belonging to me or which shall hereafter
belong to me under or by virtue of the Mining Act, 1904, or of which
I am now or shall hereafter be the lessee, proprietor, or owner
under the said Act. Also to mortgage or sub-let all or any such
mining tenements for any sum, at any rate of interest or rental.
Also to surrender any mining tenement in which I am or may
be interested. Also to exercise and execute all powers which now
are or shall hereafter be vested in or conferred on me as a sub-
lessor or mortgagee of mining tenements under the said Act. And
for me and in my name to sign all such applications, notices,
transfers, mortgages, sub-leases and other instruments and do all
such acts, matters and things as may be necessary or expedient
for carrying out the powers hereby given, and for recovering all
sums of money that are now or may become due or owing to me
in respect of the premises, and for enforcing or varying any contract,
covenant, or conditions binding upon any lessee, tenant, or occupier
of the said lands or upon any other person in respect of the same,
and for recovering and maintaining possession of the said lands,
and for protecting the same from waste, damage, or trespass.

The words "mining tenement" herein include any share or
interest in a mining tenement.

And I agree that all and whatsoever the said.....
shall lawfully do under this power I will at all times ratify and
confirm.

And I also, in accordance with and for the purposes of Regula-
tion 235, hereby appoint the said..... my attorney
or agent upon whom any process or notice may be served.

Given under my hand and seal, this..... day of
....., 19.....

Signed, sealed, and delivered by the said..... in
the presence of,—

Signature.....
(Seal.)

Witness.....

Received the above Power of Attorney at..... o'clock..... m.,
on the..... day of....., 19....., with
the fee of fifty cents.

.....
Warden or Mining Registrar.
.....
Goldfield or Mineral Field.

Form No. 57
 amended by
 G.G.
 6/9/29,
 p. 1970;
 G.G.
 30/5/30,
 p. 1414;
 G.G.
 12/6/31,
 p. 1414;
 G.G.
 15/12/33,
 p. 1934;
 G.G.
 23/2/34,
 p. 259;
 G.G.
 4/12/36,
 p. 2000;
 G.G.
 29/6/45,
 p. 615;
 G.G.
 8/10/48,
 p. 2407;
 G.G.
 7/3/52,
 p. 621;
 G.G.
 11/6/54,
 p. 1082;
 G.G.
 20/8/54,
 p. 1476;
 G.G.
 10/8/62,
 p. 2206-7.

Form No. 57.
 (Regs. 237 and 238.)

SCALE OF FEES, RENTS, AND ROYALTIES PAYABLE UNDER
 THE ACT AND THESE REGULATIONS.

Warden's Office Fees.

	\$
Cancellation of Tribute Agreement	0.50
Certified copy of—	
Register relating to any Mining Tenement	0.50
Registered instrument or evidence per folio of 72 words	0.03 $\frac{2}{3}$
Deposit on:—	
Application for authority to mine on reserved or exempted land	10.00
Application for forfeiture of lease (sec. 100, subsec. 2) if answer filed and same demanded by Warden	20.00
Application to cancel exclusive right to mine (sec. 182) if answer filed and same demanded by Warden	20.00
Application to mine for mineral other than that specified in lease	1.00
Application by owner to re-enter private land	0.50
Application for Reward Lease	1.00
Petition to bring private land under the Act (sec. 175)	0.50
Examination of any Register	0.25
Lease on:—	
Issue of	2.00
Issue of duplicate in lieu of lost lease	1.00
License in respect of tailings or other mining material on the issue thereof, per month during term	1.00
License, Special, to holder of Coal Mining Lease (sec. 96) on the issue thereof, for each lease, per month during term	0.20
Minimum fee for same	6.00
License, Special, to the holder of Mineral Claim (reg. 55) on the issue thereof, per month, during term	0.50
License to construct drives on the issue thereof, per annum during term	2.00
Miner's Right on:—	
Issue of	0.50
Issue of Consolidated, for each Miner represented by same	0.50
Ante-dating of (sec. 39)	0.25
Ante-dating of Consolidated, for each Miner repre- sented by same	0.25
Registration of:—	
Agreement of any kind, including tribute, each	0.50
Amalgamation of Leases, each	2.00
Amalgamation of Mineral Claims, each	2.00
Application to amend Register, Name of Lessee, each amendment	0.50
Application to be put in possession of abandoned share (regulation 205)	1.00
Caveat affecting claim or Authorised Holding, each	0.50
Caveat affecting a lease, each	1.00
Caveat affecting Tailings License, each	0.50
Caveat, withdrawal of, for each lease	0.50
For each claim or Authorised Holding	0.25
Caveat, withdrawal of, each Tailings License	0.25
Claim or Authorised Holding (except Reward Claim or Prospecting Area)	0.50
Concentration of Labour on Claims, each claim affected	0.25
Concentration of Labour on Claims, minimum where period is over fourteen days	1.00

	\$
Concentration of Labour on Leases, each lease affected	0.50
Concentration of Labour on Leases, minimum where period is over 14 days	2.00
Devolution on death or bankruptcy, Claim or Authorised Holding, each	0.50
Devolution on death or bankruptcy, Lease, each	2.00
Exemption on Claim or Authorised Holding, not exceeding 14 days	0.25
Not exceeding one month	0.50
Not exceeding six months, per month	0.50
Exemption on Lease under section 93, for each Lease—	
Not exceeding 14 days	1.00
Not exceeding one month	2.00
For each additional month	2.00
Exemption on Lease under section 94 as of right, each lease or group of amalgamated leases	2.00
Exclusive Right to Mine on Private Land, each area	1.00
Improvements on Land held as a Business Area	0.50
Injunction for each Mining Tenement affected	0.50
Lien, Partnership, each	2.00
Lien, Partnership, Discharge of each	0.50
Lien for Wages, each	0.50
Mortgage affecting Mining Tenement other than Lease, for each Tenement affected	1.00
Mortgage affecting Mining Lease, for each Lease affected	2.00
Mortgage affecting Miner's Homestead Lease	0.50
Mortgage, Discharge of, for each Tenement affected	0.50
Objection	0.25
Order of Court, for each Mining Tenement affected	0.50
Power of Attorney, each	0.50
Prospecting Area	1.00
Reinstatement of Cancelled Lease	2.10
Prospecting Area, renewal of registration	1.00
Reinstatement of Cancelled Mining Tenement other than a lease	0.50
* Seizure of Mining Tenement under <i>Fi. Fa.</i> or Warrant of Execution, each Mining Tenement	0.50
Stack of Earth	0.50
Statutory Declaration <i>re</i> loss of any Document except Miner's Right	0.50
Statutory Declaration <i>re</i> loss of Miner's Right	0.25
Sub-lease of Mining Tenement	2.00
Transfer affecting Claims or Authorised Holdings, each	0.50
Transfer affecting Lease, each Lease	2.00
Transfer of Tailings License or share therein	0.50
Transfer of Tribute Agreement or share therein	0.50
Transfer of Mortgage of Claim or Authorised Holding, for each one affected	0.50
Transfer of Mortgage of Lease, for each Lease affected	2.00
Transfer of Mortgage affecting Miner's Homestead Lease	0.50
Transfer upon Sale of Claim or Authorised Holding under <i>Fi. Fa.</i> , Lien, Mortgage, or Warrant of Execution, or each one sold	0.50
Transfer upon Sale of Lease under <i>Fi. Fa.</i> , Lien, Mortgage, or Warrant of Execution for each Lease sold	2.00
Union of Claims, for each Claim	0.25
Withdrawal of encumbrance on Mining Tenement where not elsewhere prescribed	0.50

Rent of:—	Rents and Royalties.	\$
Business Area, per acre or fraction thereof, per annum		8.00
Coal Mining Lease, per acre or fraction thereof, per annum		0.05
Gold Mining Lease, per acre or fraction thereof, per annum for the first year, minimum		0.50
Gold Mining Lease, per acre or fraction thereof, per annum, after first year		2.00
Gold Mining Lease under sec. 43, subsection 1 (a) or (b) per acre or fraction thereof, per annum minimum		0.50
Maximum		2.00
Mining lease for Minerals other than Gold or Coal, per acre or fraction thereof, per annum		0.50
Under section 49, Subsection 1 (a) or (b), minimum		0.20
Under section 49, subsection 1 (a) or (b), maximum		0.50
Machinery lease, per acre or fraction thereof, per annum		2.00
Residential Lease, per acre or fraction thereof, per annum		2.00
Tramway Lease, per acre or fraction thereof, per annum		2.00
Water Lease, per acre or fraction thereof, per annum		2.00
Machinery Area, per acre or fraction thereof, per annum		2.00
Market Garden Area, per acre or fraction thereof, per annum		0.50
Mineral Claim per acre or fraction thereof, per annum		0.25
Miner's Homestead Lease, per acre or fraction thereof, per annum, 20 acres or less, for the first 20 years		0.20
Miner's Homestead Lease, if more than 20 acres, for the first 20 years		0.05
Water Right, Dam, or Subterranean, per acre or fraction thereof, per annum		2.00
Water Right, Subterranean, maximum rent per annum		50.00
Water Right, Watershed, or Stream, per acre or fraction thereof, per annum		0.05
Tailings Area, per acre or fraction thereof, per annum		2.00
Washing area, per acre or fraction thereof, per annum		2.00
Quarrying area, per acre or fraction thereof, per annum		2.00
Dredging Claims, per acre or fraction thereof, per annum		0.25
Water Right, Water Race, or Pipe Track, per annum		2.00
Royalty per ounce of Gold recovered (sec. 57)		0.10
Royalty per ounce of Gold recovered (sec. 58)		1.00
Royalty per ounce of Gold recovered (sec. 165), to be determined by the Minister.		
Royalty per ton of Coal raised, during first ten years of lease		0.02½
Royalty per ton of Coal raised during remainder of lease		0.05
Under sec. 56		0.00¼

Area.	[Survey Fees.]		Survey Fees substituted by G.G. 11/6/54, p. 1082. Amended by G.G. 20/8/54, p. 1476. Substituted by G.G. 10/8/62, p. 2206-7.
	First Locality.*	Second Locality.†	
	\$	\$	
10 acres and under	24.00	39.50	
20 acres and under	32.00	54.50	
30 acres and under	38.00	66.00	
50 acres and under	44.50	79.00	
100 acres and under	55.50	101.00	
150 acres and under	65.00	120.00	
200 acres and under	75.00	139.00	
250 acres and under	82.50	153.50	
300 acres and under	91.50	167.00	
350 acres and under	95.50	170.50	
400 acres and under	100.00	174.00	
450 acres and under	106.50	189.50	
500 acres and under	113.00	203.00	

Areas in excess of 500 acres Such special fee as may be arranged with the approval of the Warden or the Chief Draftsman of the Mines Department.

Underground workings (Survey, inspection and report) Such special fee as may be arranged with the approval of the Warden or the Chief Draftsman of the Mines Department.

Inspection and report \$ 10.50 \$ 11.50

Residence and Business Areas—

(a) Where isolated 20.00 24.00

(b) Where forming portion of a surveyed group of areas 7.50 9.00

Traverses and connections at the ruling rate as paid by the Lands and Surveys Department for the district.

Dredging claims, pipe track water rights, race water rights, tramway leases, sluicing and dredging leases.—An amount in accordance with the following scale shall be collected as a deposit.

The fee to be assessed on survey, based on the scale of fees for contract surveyors as contained in the Regulations for the Guidance of Surveyors in the Department of Lands and Surveys, and the difference collected or refunded.

Length.	First Locality.*		Second Locality.†	
	\$	\$	\$	\$
40 chains and under	24.00	38.00		
80 chains and under	42.00	70.00		
120 chains and under	62.00	104.00		
160 chains and under	80.00	136.00		
200 chains and under	98.00	168.00		
240 chains and under	112.00	196.00		
280 chains and under	126.00	224.00		
320 chains and under	140.00	252.00		
360 chains and under	154.00	280.00		
400 chains and under	168.00	308.00		
440 chains and under	182.00	336.00		
480 chains and under	196.00	364.00		

* First Locality: Areas contained in the Broad Arrow, Coolgardie, Dundas, East Coolgardie, East Murchison, Mount Margaret, Murchison, North Coolgardie, North-East Coolgardie, Phillips River, Yalgoo and Yilgarn Goldfields, Northampton Mineral Field, and that portion of the South-West Mineral Field not specifically included in the Second Locality.

† Second Locality: Areas contained in the Ashburton, Gascoyne, Kimberley, Peak Hill, Pilbara, West Kimberley and West Pilbara Goldfields, Collie River Mineral Field, Greenbushes Mineral Field, that portion of the South-West Mineral Field situated south of 31° latitude and west of 116° 30' longitude, and south of 34° latitude and west of 118° longitude, and the remaining portions of the State not included in a goldfield or mineral field.

Form No. 58.
(Reg. 255.)

PLAINT INITIATING PROCEEDINGS IN WARDEN'S COURT.

		Fees		
In the Warden's Court at Plaint No. [Here set out name or names of Plaintiff, with address and occupation.] Plaintiff(s) v. Here set out name or names of Defendant, with address and occupation so far as known.] Defendant(s)		Plaint		
		Summons		
		Subpoena		
		Service		
		Affidavit		
		Mileage		
		Copies		
		Attendance		
			\$	

The Plaintiff(s) complain(s) that
[Here set forth the nature of the complaint as fully as possible.]
and the said therefore prays that [state nature of relief
sought].

Dated at this day of , 19
Signature.

Received the above Plaintiff at o'clock m., on the
day of , 19 , with fees as indorsed.
[Seal of Court.] Mining Registrar,
Goldfield.

This Plaintiff was heard in the Warden's Court,
before on the day of , 19 , and
Warden.
Goldfield (or Mineral Field).

Form No. 59.
(Reg. 257.)

PLAINT NOTE.

In the Warden's Court at.....

No.
I, , Mining Registrar of Goldfield
or Mineral Field, hereby certify that Plaintiff No. between
, of , Plaintiff, and
of , Defendant, was lodged in the Warden's
Court at , at o'clock m., on the
day of , 19 , that fees as here-
under stated were duly lodged, and that the said Plaintiff will be
placed before the Court for hearing on the
day of , 19 , at the hour of o'clock
m., unless withdrawn prior to that time.

		Fees		
			\$	c
[Seal of Court.]	Plaint ...			
	Summons ...			
	Subpoena ...			
	Service ...			
	Affidavit ...			
	Mileage...			
	Copies ...			

Mining Registrar,
Goldfield or Mineral Field.

Form No. 60.
(Reg. 258.)

SUMMONS OR NOTICE TO DEFENDANT.

In the Warden's Court at.....

No. _____
To _____, of _____
YOU are hereby summoned to appear before the Warden's Court
at _____ on [_____] the _____
day of _____, 19 _____, at _____ o'clock in the
noon, to answer the following complaint of _____,
of _____ in this Goldfield (or) Mineral Field.

For that [here state nature of complaint as set forth in the
Plaint].

You may have a summons to compel the attendance of any
witnesses, or for the production of any books, plans, or documents,
on application at my office.

If you intend to dispute the plaintiff's claim you must file in this
office a notice of defence.

Dated at _____, this _____ day of _____,
19 _____.

[Seal of Warden's Court.]

Warden (or Mining Registrar),
Goldfield.

Indorsement.

This is the paper writing marked "A" referred to in the annexed
affidavit of _____, sworn before me at _____,
this _____ day of _____, 19 _____.

Form No. 61.
(Reg. 258.)

AFFIDAVIT OF SERVICE.

In the Warden's Court at.....

Plaint No. _____,

v.

I, _____, of _____, in the State of
Western Australia, make oath and say that I did on the
day of _____, 19 _____, duly serve the a
with a b _____, a true copy whereof is hereunto
annexed marked "A," at _____ by c _____.

Signed and sworn at _____ aforesaid }
this _____ day of _____ }
A.D. 19 _____, before me

Bailiff.

a Defendant or Witness. b Summons or subpoena. c State
how service was effected.

Form No. 62.

(Reg. 260.)

NOTICE OF DEFENCE.

In the Warden's Court at.....

Plaint No. ,

.....v.....

To the abovenamed Plaintiff.

TAKE NOTICE that I intend to defend the plaintiff's claim in this action on the following grounds, viz. (*here set forth the different grounds on which the defendant rests his defence. If the defendant claims a set off, or prays for cross relief, proceed as follows*):

And the defendant claims or complains of the plaintiff for that the plaintiff (*proceed as in Plaintiff*). The defendant therefore prays (*set forth cross relief sought for*).

Dated at this day of , 19 .
Defendant.

Received this notice of defence at o'clock m., on
the day of , 19 , with fee of ten cents.

Warden or Mining Registrar,
Goldfield.

Form No. 63.

(Reg. 261.)

SUBPOENA FOR WITNESS.

In the Warden's Court at.....

Plaint No. ,

.....v.....

To , of
YOU are hereby required to attend before this Court at
o'clock in the noon, on the
day of 19 , and at every adjournment of this
case, to give evidence on behalf of the . And
you are hereby required to produce to the Court (*here state the
particular things required to be produced*).

And also all books, papers, documents, plans, or things in your custody, possession, or power relating to the subject matter of this case.

If you neglect to comply with this summons you will be liable to a fine of \$20, or in default imprisonment for one calendar month.

Dated at this day of , 19 .

[Seal of Warden's Court.]

Warden or Mining Registrar,
Goldfield.

Indorsement.

This is the paper writing marked "A" referred to in the annexed affidavit of , sworn before me at ,
this day of , 19 .

Form No. 64.

SCALE OF FEES IN THE WARDEN'S COURT.

Form 64 substituted by G.G. 28/9/60, p. 3030.

	\$
On lodging plaint or notice to lessee	1.40
On issue of summons for each defendant	1.00
On issue of subpoena for each witness	0.60
On lodging notice of defence	0.60
On every order made by Warden	1.40
On issue of every warrant of execution	1.40
On renewal of every warrant of execution	1.40
On filing of every affidavit	0.60
On every order made for injunction	1.40
For every copy supplied of a judgment, decision or order, per folio	0.10
	(Minimum—\$0.50)

Bailiff's Fees.

*For every process served	0.50
For every affidavit of service	0.10
For attendance at Court, on each hearing	0.15
On being instructed to levy for executing warrant	2.35
For keeping possession under writ of execution, per day	1.50
Poundage on amount raised and paid into Court	3 per cent.
For mileage in effecting service of any summons, notice or other document or to execute any writ or warrant of execution, 15 cents per mile or fraction thereof beyond the first mile, as the crow flies (one way only).	

* Note.—These fees for service are payable only where the service is carried out by the Bailiff.

Form No. 65.

(Reg. 263.)

JUDGMENT OF WARDEN'S COURT.

In the Warden's Court at.....

Plaint No.v.....

THE Court adjudges that* and the Court orders**
 Dated at , this day of , 19 ..
 [Seal of Court.] Warden (.....).

* Insert decision. ** Set forth the order in full.

Form No. 66.

(Reg. 264.)

WARRANT OF EXECUTION.

In the Warden's Court at.....

Plaint No.v.....

To , of , Bailiff of the Warden's Court, , and to the Deputy Bailiffs duly authorised to execute the processes of this Court.

WHEREAS on the day of , 19 .. , the plaintiff obtained a judgment of this Court against the defendant for the sum of \$ for debt (or damages) and costs (or it was ordered by the Court that judgment should be entered for the defendant, or that judgment of nonsuit should be

entered and that the sum of \$ _____ for costs be paid by the plaintiff to the defendant); and whereas default has been made in the payment thereof: These are, therefore, to require and order you forthwith to levy of the lands, tenements, and hereditaments, goods, chattels, credits, and effects of the defendant (or plaintiff) wheresoever they may be found, the sum of _____ dollars and _____ cents, in addition to the costs of this execution, and also to seize and take any money or bank notes or securities for money of the (defendant or plaintiff), or such part or so much thereof as may be sufficient to satisfy this execution and the costs of making and executing the same, and forthwith to return the same to me, to be paid over to the (plaintiff or defendant), together with this warrant.

Dated at _____, this _____ day of _____, 19 _____.

By the Court,
Warden or Mining Registrar,
Goldfield.

[Seal of Warden's Court.]

Judgment	....	....	....	....	....	....	....	....	....	\$
Costs	....	....	....	....	....	....	....	....	....
Execution	....	....	....	....	....	....	....	....	....
Alias	....	....	....	....	....	....	....	....	....

										\$

Returned this Warrant to the Warden's Court at _____ on _____ the _____ day of _____, 19 _____, with the sum of _____ in satisfaction thereof. _____ Bailiff.

Form. No. 67.
(Reg. 265.)

NOTICE OF SEIZURE.

No. _____
In the _____ Court at _____
Plaint No. _____
Warrant No. _____
Between _____, Plaintiff, and _____, Defendant.
*To the Registrar of Mines, Perth,
and to the Mining Registrar at _____*

TAKE NOTICE that under and by virtue of a Warrant of Execution, No. _____, dated _____, 19 _____, issued out of the _____ Court at _____ (a copy whereof is hereto annexed), I have this day seized all the _____ right, title, and interest (if any) in and to _____ shares in _____ No. _____, known as _____, and situated in the _____ Goldfield.

You will therefore communicate with me before registering any transfer assignment, or other matter dealing with the shares above mentioned during such period as this seizure shall remain in force.

Dated at _____ this _____ day of _____, 19 _____.

.....
Bailiff.

Received this notice at _____ m., on the _____ day of _____, 19 _____.

.....
Mining Registrar.

Form No. 68.

(Reg. 271.)

INJUNCTION.

No.

UPON the application of , of , whereof due notice has been given by the parties interested in opposing the same (or to such of the parties interested in opposing the same as appear to me sufficient to represent the parties so interested), and upon hearing and , interested parties, and the evidence adduced by them in opposition to the said application, I do hereby order and enjoin that the said and , and each of the , their and each of their servants, workmen, and agents, be restrained from (here state terms of injunction granted) until day of , 19 (and I appoint , of , as manager of the said , No. , to carry on the works thereon and to pay the expenses thereof out of the receipts therefrom, and to pay the unexpended balance of such receipts into this Court weekly).

Dated this day of , 19 .
Warden,
Goldfield or Mineral Field.

[Seal of Warden's Court.]

Form No. 69 deleted by G.G. 29/6/45, p. 615.

Form No. 70 deleted by G.G. 29/6/45, p. 615.

Form No. 71 deleted by G.G. 29/6/45, p. 615.

Form No. 72.

Section 154.

APPOINTMENT OF ASSESSORS.

In the Warden's Court No. of Plaintiff.....
Holden at
Between , Plaintiff, and , Defendant.
I hereby appoint the following person as one of the Assessors.
Dated at , this day of , 19 .

Plaintiff or Defendant.

Consent of Assessor.

I, , do hereby consent to act as an assessor.
Dated at , this day of , 19 .

Signature.

Form No. 73.

(Reg. 177.)

Special License.

I, , Minister for Mines in the State of Western Australia, do hereby license the holder of Mineral Claim No. , in the Goldfield, as prescribed by the Regulations under the Mining Act, 1904, to dispense with the performance of the labour conditions on such Claim for a term of calendar months from the , 19 , during which period such Claim shall be free from liability to forfeiture, on the following conditions:—

Given under my hand, at Perth, this day of , 19 .

Minister for Mines.

Lease
Form No. 1
amended by
G.G.
29/6/45,
p. 615.

Lease Form No. 1.

GOLD MINING LEASE.

Under Section 42 of the Mining Act, 1904.

Lease No.....Goldfield: District of.....

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom, Australia and Her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.

TO ALL TO WHOM these presents shall come GREETING: KNOW YE that whereas by Section forty-two of the Mining Act, 1904, power is given to the Governor of our State of Western Australia, in the Commonwealth of Australia, to grant leases of land for the purposes of gold mining thereon, upon the terms and condition set forth in the said Act: AND WHEREAS

, of hereinafter described, ha made application for a lease of the land for such purpose, and our said Governor has approved of the granting of such lease: NOW WE, in consideration of the rents and covenants hereinafter reserved, and on the part of the said (who with executors, administrators, and lawful assigns, is hereinafter referred to as "the lessee")* to be paid and observed, do by these presents grant and demise unto the lessee all that piece or parcel of land situated on the goldfield, containing by admeasurement, be the same more or less, and particularly described and delineated in the First Schedule hereto; And all those mines, veins, seams, lodes, or deposits of gold in, on, or under the said land (hereinafter called the said mine) together with the rights, liberties, easements, advantages, and appurtenances thereto belonging or appertaining, excepting and reserving out of this demise all such portions of the surface of the said piece or parcel of land as are now lawfully occupied by persons other than the lessee, or any portion thereof which is now used for any public works or buildings whatsoever: To hold the said land and mine, and all and singular the premises hereby demised unto the lessee** for the full term of twenty-one years from the first day of January, One thousand nine hundred and , for the purpose only of mining for gold thereon, in accordance with the provisions of the Mining Act, 1904, YIELDING and paying therefor rent for the first year at the rate of fifty cents per acre, and thereafter the yearly rent of two dollars per acre in advance; AND WE do hereby declare that this lease is subject to the observance and performance by the lessee of the following covenants and conditions, that is to say:—

1. The lessee shall, and will, during the said term, pay the rent hereby reserved, clear of all deductions, at the time and in manner provided by the Mining Act, 1904, and the Regulations for the time being in force thereunder.
2. The lessee shall and will use and work the land continuously and *bona fide* exclusively for the purposes for which it is demised.
3. The lessee shall and will observe, perform, and carry out the provisions of the Mining Act, 1904, the Mines Regulation Act, 1946, and any Acts amending the same, and the Regulations for the time being in force under the said Acts, and also the provisions of any other Acts for the time being in force, relating to the use, enjoyment, or occupation of Crown Lands, so far as the same affect or have reference to gold mining leases granted under Section forty-two of the Mining Act, 1904.
4. The lessee shall not, nor will assign, underlet, or part with possession of the land or mine, or any part thereof, without the previous consent, in writing, of our Minister for Mines.

PROVIDED ALWAYS, and it is hereby expressly agreed and declared that if the rent hereby reserved be not paid in advance at the times and in the manner provided by the Mining Act, 1904, and the regulations for the time being in force thereunder, or if the lessee shall commit a breach of any of the covenants and conditions herein contained, or a breach of any of the provisions of the Mining Act, 1904, or of the said Regulations applicable to this demise, which render the same liable to forfeiture, our said Governor may, in accordance with the provisions of the said Act, and Regulations, declare this lease to be forfeited and void, and thereupon all the estate and interest of the lessee, and of any person claiming under him, shall cease and determine, and the land and mine hereby demised shall revert to us, our heirs and successors, as if these presents had not been made, but our said Governor may, as an alternative to declaring this lease forfeited and void, impose on the lessee a fine not exceeding one thousand dollars for the breach of any such covenant, condition, provision or regulation.

Provided further, that our said Governor may at any time, without compensation to the lessee, resume possession of any portion of the surface of the land hereby demised for the construction thereon of roads, tramways, or railways, including all necessary approaches thereto, or for any other public purpose whatsoever.

Provided further, that all mineral oil on or below the surface of the demised land is reserved to Her Majesty, with the right to Her Majesty or any person claiming under her or lawfully authorised in that behalf to have access to the demised land for the purpose of searching for and for the operations of obtaining mineral oil in any part of the land under the provisions of the Petroleum Act, 1936.

IN WITNESS WHEREOF we have caused our Minister for Mines to affix his seal and set his hand hereto, at Perth, in our said State of Western Australia, this _____ day of _____, 19_____.

THE FIRST SCHEDULE ABOVE REFERRED TO.
THE SECOND SCHEDULE ABOVE REFERRED TO.

- * If the lessee is a corporate body strike out the words "who with executors, administrators, and" and insert "which with its."
- ** If more than one lessee insert "in the shares set out opposite their respective names in the Second Schedule hereto."

Lease Form No. 2.
MINING LEASE OF RESERVES OR AUTHORISED HOLDINGS.
Under Section 61 of the Mining Act, 1904.

Lease
Form No. 2
amended
G.G.
29/6/45,
p. 615.

Lease No..... Goldfield or Mineral Field:
District of.....

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom, Australia and Her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith: TO ALL TO WHOM these presents shall come, GREETING: KNOW YE that whereas by Section Sixty-one of the Mining Act, 1904, power is given to the Governor of our State of Western Australia, in the Commonwealth of Australia, to grant leases of any land comprised in a townsite, suburban area, or other reserve, or in any authorised holding, for the purposes of mining thereon upon the terms and conditions set forth in the said Act; AND WHEREAS _____ of _____, ha made application for a lease of the land hereinafter described, being* _____ for the purpose of mining thereon for** _____ and our said Governor has approved of the granting of such lease: NOW WE, in consideration of the rents and covenants hereinafter reserved and on the part of the said _____ (who with _____ executors, administrators, and lawful assigns is hereinafter referred to as "the lessee") a to be

paid and observed, do by these presents grant and demise unto the lessee all such mines, veins, seams, lodes and deposits of** as are situated at and below *b* feet from the natural surface of all that piece or parcel of land situated on the goldfield or mineral field, containing by surface measurement be the same more or less, and particularly described and delineated on the plan in the First Schedule hereto and thereon coloured red. And also all that piece or parcel of land situate on the said goldfield or mineral field containing by admeasurement, be the same more or less, which is more particularly described and delineated on the plan in the First Schedule hereto, and thereon coloured green, together with all those mines, veins, seams, lodes, or deposits of** in, on, or under the said land, coloured green, all which mines, veins, seams, lodes, and deposits firstly and secondly herein described are (hereinafter called the said mine), together with the rights, liberties, easements, advantages, and appurtenances thereto belonging or appertaining, excepting and reserving out of this demise all such portions of the surface of the said piece or parcel of land coloured green on the said plan, as are now lawfully occupied by persons other than the lessee, or any portion thereof which is now used for any public works or buildings whatsoever. To hold the said land and mine, and all and singular premises hereby demised unto the lessee *c* for the full term of twenty-one years from the first day of January, one thousand nine hundred and , for the purposes only of mining for** at, under and below *b* feet from the natural surface of the land coloured red, and on and under the surface of the land coloured green in accordance with the provisions of the Mining Act, 1904. YIELDING and paying therefor the yearly rent of per acre in advance: AND WE DO hereby declare that this lease is subject to the observance and performance by the lessee of the following covenants and conditions, that is to say:—

1. The lessee shall and will, during the said term, pay the rent hereby reserved, clear of all deductions, at the time and in manner provided by the Mining Act, 1904, and the Regulations for the time being in force thereunder.
2. The lessee shall and will use and work the land continuously and *bona fide* exclusively for the purposes for which it is demised.
3. The lessee shall and will observe, perform, and carry out the provisions of the Mining Act, 1904, the Mines Regulation Act, 1946, and any Acts amending the same and the Regulations for the time being in force under the said Acts, and also the provisions of any other Acts for the time being in force relating to the use, enjoyment, or occupation of Crown lands, so far as the same affect or have reference to leases granted under Section 61 of the Mining Act, 1904.
4. The lessee shall not, nor will assign, underlet, or part with the possession of the land or mine, or any part thereof, without the previous consent, in writing, of our Minister for Mines.
5. The lessee shall not, nor will mine within *b* feet of the surface of the land coloured red on the said plan, and shall and will make good any subsidence causing by mining below the surface thereof, and will pay to the person or persons entitled to the same damages for all injury arising from any such subsidence.

PROVIDED ALWAYS, and it is hereby expressly agreed and declared, that if the rent hereby reserved be not paid, in advance, at the times and in manner provided by the Mining Act, 1904, and the Regulations made thereunder, or if the lessee shall commit a breach of any of the covenants and conditions herein contained or a breach of any of the provisions of the Mining Act, 1904, or of the said Regulations applicable to this demise which render the same liable to forfeiture, our said Governor may, in accordance with

and delineated in the plan in the First Schedule hereto. And all those mines, veins, seams, lodes, or deposits of _____, in, on, or under the said land (hereinafter called the said mine), together with the rights, liberties, easements, advantages and appurtenances thereto belonging or appertaining, excepting and reserving out of this demise all such portions of the said piece or parcel of land as are now lawfully occupied by persons other than the lessee, or any portion thereof which is now used for any public works or building whatsoever. To hold the said land and mine, and all and singular premises hereby demised, unto the lessee *c*, for the full term of twenty-one years from the first day of January, One thousand nine hundred and _____, for the purpose only of mining thereon for *a* _____, in accordance with the provisions of the Mining Act, 1904, YIELDING and paying therefor the yearly rent of _____ per acre, in advance; and further, yielding and paying on each quarter day in every year a royalty of ten cents for every ounce of fine gold found associated or combined with any *a* _____ in, on or under the land hereby demised, and which is recovered in the course of mining for *a* _____: AND WE do hereby declare that this lease is subject to the observance and performance by the lessee of the following covenants and conditions, that is to say:—

1. The lessee shall and will, during the said term, pay the rent hereby reserved, clear of all deductions, at the time and in manner provided by the Mining Act, 1904, and the Regulations made thereunder, and the said royalty (if any) within thirty days after the same becomes due.
2. The lessee shall and will use and work the land continuously and *bona fide* exclusively for the purposes for which it is demised.
3. The lessee shall and will observe, perform, and carry out the provisions of the Mining Act, 1904, the Mines Regulation Act, 1946, and any Acts amending the same, and the Regulations for the time being in force under the said Acts, so far as the same affect or have reference to mineral leases granted under Section 48 of the Mining Act, 1904.
4. The lessee shall not, nor will assign, underlet, or part with the possession of the land or mine, or any part thereof, without the previous consent, in writing, of our Minister for Mines.

PROVIDED ALWAYS, and it is hereby expressly agreed and declared, that if the rent hereby reserved be not paid in advance at the times and in manner provided by the Mining Act, 1904, and the Regulations made thereunder, or if the said royalty be not paid within thirty days after the due date for payment thereof, or if the lessee shall commit a breach of any of the covenants and conditions herein contained, or a breach of any of the provisions of the Mining Act, 1904, or of the said Regulations applicable to this demise which render the same liable to forfeiture, our said Governor may, in accordance with the provisions of the said Act and Regulations, declare this lease to be forfeited and void, and thereupon all the estate and interest of the lessee and of any person claiming under him shall cease and determine, and the land and mine hereby demised shall revert to us, our heirs and successors, as if these presents had not been made, but our said Governor may, as an alternative to declaring this lease forfeited and void, impose on the lessee a fine not exceeding ONE thousand dollars for the breach of any such covenant, condition, provision, or regulation.

Provided further, that our said Governor may at any time without compensation to the lessee, resume possession of any portion of the surface of the land hereby demised for the construction thereon of roads, tramways, or railways, including all necessary approaches thereto, or for any other public purpose whatsoever.

Provided further that all mineral oil on or below the surface of the demised land is reserved to Her Majesty, with the right to Her Majesty or any person claiming under her or lawfully authorised in

that behalf to have access to the demised land for the purpose of searching for and for the operations of obtaining mineral oil in any part of the land under the provisions of the Petroleum Act, 1936.

IN WITNESS WHEREOF we have caused our Minister for Mines to affix his seal and set his hand hereto, at Perth, in our said State of Western Australia, this day of , 19 .

THE FIRST SCHEDULE ABOVE REFERRED TO.
THE SECOND SCHEDULE ABOVE REFERRED TO.

- a Insert the name of the mineral to be mined for.
- b If the lessee is a corporate body strike out the words "who with executors, administrators, and" and insert "which with its."
- c If more than one lessee insert "in the shares set opposite their respective names in the Second Schedule hereto."

Lease Form No. 4.
MINING LEASE ON PRIVATE LAND.
Under Section 153 of the Mining Act, 1904.

Lease Form No. 4 amended by G.G. 29/6/45, p. 615.

Lease No. District of

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom, Australia and Her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith. TO ALL TO WHOM these presents shall come, GREETING: KNOW YE that whereas by Section 153 of the Mining Act, 1904, power is given to the Governor of our State of Western Australia, in the Commonwealth of Australia, to grant leases of private land for the purposes of mining thereon upon the terms and conditions set forth in the said Act: AND WHEREAS : of , having complied with all the conditions precedent to the granting of such a lease as set out in the said Act, ha made application for a lease of the land hereinafter described, for the purpose of mining thereon for a , and our said Governor has approved of the granting of such lease: NOW WE, in consideration of the rents and covenants hereinafter reserved, and on the part of the said (who, with executors, administrators, and lawful assigns is hereinafter referred to as "the lessee") b to be paid and observed, do by these presents grant and demise unto the lessee all such mines, veins, seams, lodes, and deposits of a as are situate at and below c feet from the natural surface of all that piece or parcel of land situate at , containing by surface admeasurement , be the same more or less, and particularly described and delineated in the plan in the First Schedule hereto, and thereon coloured red, and also all that piece or parcel of land situate at containing by admeasurement , be the same more or less, which is more particularly described and delineated on the plan in the First Schedule hereto, and thereon coloured green, together with those mines, veins, seams, lodes, or deposits of in or under the said land, coloured green (all which mines, veins, seams, lodes, and deposits firstly and secondly herein described are hereinafter called the said mine), together with the rights, liberties, easements, advantages, and appurtenances thereto belonging or appertaining, excepting and reserving out of this demise all such portions of the surface of the said piece or parcel of land coloured green on the said plan as are now lawfully occupied by persons other than the lessee, or any portion thereof which is now used for any public works or buildings whatsoever. To hold the said land and mine, and all and singular premises hereby demised unto the lessee d for the full term of twenty-one years from the first day of January, One thousand nine hundred and , for the purpose only of mining for a at, under, and below b feet from the natural surface of the land coloured red, and on and under the surface of the land coloured green, in accordance with the provisions of the Mining Act, 1904, YIELDING and paying therefor

the yearly rent of _____ per acre in advance: AND WE do hereby declare that this lease is subject to the observance and performance by the lessee of the following covenants and conditions, that is to say:—

1. The lessee shall and will, during the said term, pay the rent hereby reserved, clear of all deductions at the time, and in manner provided by the Mining Act, 1904, and the Regulations made thereunder.
2. The lessee shall and will use and work the land continuously and *bona fide* exclusively for the purposes for which it is demised.
3. The lessee shall and will observe, perform, and carry out the provisions of the Mining Act, 1904, the Mines Regulation Act, 1946, and any Acts amending the same, and the Regulations for the time being in force under the said Acts so far as the same affect or have reference to *a* leases granted under the said Act on private land.
4. The lessee shall not nor will assign, underlet, or part with the possession of the land or mine, or any part thereof, without the previous consent, in writing, of our Minister for Mines.

PROVIDED ALWAYS, and it is hereby expressly agreed and declared, that if the rent hereby reserved be not paid in advance at the times and in manner provided by the Mining Act, 1904, and the Regulations made thereunder, or if the lessee shall commit a breach of any of the covenants and conditions herein contained, or a breach of any of the provisions of the Mining Act, 1904, or of the said regulations applicable to this demise which render the same liable to forfeiture, our said Governor may, in accordance with the provisions of the said Act and Regulations, declare this lease to be forfeited and void, and thereupon all the estate and interest of the lessee, and of any person claiming under him, shall cease and determine, and the land and mine hereby demised shall revert to us, our heirs and successors, as if these presents had not been made, but our said Governor may, as an alternative to declaring this lease forfeited and void, impose on the lessee a fine not exceeding one thousand dollars for the breach of any such covenant, condition, provision, or regulation.

Provided further that our said Governor may at any time without compensation to the lessee, resume possession of any portion of the surface of the land hereby demised for the construction thereon of roads, tramways, or railways, including all necessary approaches thereto, or for any other public purpose whatsoever.

Provided further that all mineral oil on or below the surface of the demised land is reserved to Her Majesty, with the right to Her Majesty or any person claiming under her or lawfully authorised in that behalf to have access to the demised land for the purpose of searching for and for the operations of obtaining mineral oil in any part of the land under the provisions of the Petroleum Act, 1936.

IN WITNESS WHEREOF we have caused our Minister for Mines to affix his seal and set his hand hereto, at Perth, in our said State of Western Australia, this _____ day of _____, 19 _____

THE FIRST SCHEDULE ABOVE REFERRED TO.

THE SECOND SCHEDULE ABOVE REFERRED TO.

a Here set out the mineral to be mined for.

b If the lessee is a corporate body strike out the words "who with _____ executors, administrators, and" and insert "which with its."

c Insert number of feet, which must not be less than 100.

d If there be more than one lessee insert here "in the shares set out opposite their respective names in the Second Schedule hereto."

Lease Form No. 5.

MINER'S HOMESTEAD LEASE.

Under Section 205 of the Mining Act, 1904.

Lease
Form No. 5
amended by
G.G.
29/6/45,
p. 615.

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom, Australia and Her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith. TO ALL TO WHOM these presents shall come, GREETING: KNOW YE that where as under Section 205 of the Mining Act, 1904, power is given to the Governor of our State of Western Australia, in the Commonwealth of Australia, to grant Miners' Homestead Leases: AND WHEREAS , of , has made application for such a lease of the land hereinafter described, and our said Governor has approved of the granting of such lease: NOW WE, in consideration of the rents and covenants hereinafter reserved, and on the part of the said (who, with his executors, administrators, and lawful assigns, is hereinafter referred to as "the lessee") to be paid, observed, and performed, do by these presents grant and demise to the lessee the natural surface of all that piece or parcel of land situate in the Goldfield or Mineral Field, containing by admeasurement be the same more or less, and particularly described and delineated on the plan in the Schedule hereto, and the soil thereunder to a depth of feet, and no more, together with the appurtenances thereto belonging or appertaining, except and always reserving out of this demise any portion of the said land which is now used for any public works or buildings whatsoever. To hold the same unto the lessee as a Miner's Homestead Lease, so long as he pays the rent hereby reserved, and observes and performs the covenants and conditions hereinafter contained, YIELDING and paying therefor during the term of twenty years, computed from the day of , One thousand nine hundred and the yearly rent of , in advance, on the 31st day of December, in every year and thereafter the rent of ten cents per annum, if demanded. AND WE do hereby declare that this lease is subject to the following covenants and conditions, that is to say:—

1. The lessee shall and will during the said term pay the rent hereby reserved, clear of all deductions, at the time and in manner provided by the Mining Act, 1904, and the Regulations for the time being in force thereunder.
2. The lessee shall and will observe, perform, and carry out the provisions of the Mining Act, 1904, and any Act amending the same, and the Regulations for the time being in force thereunder, and also the provisions of any other Acts for the time being in force relating to the use, enjoyment, or occupation of Crown lands, so far as the same affect or have reference to leases granted under Section 162 of the Mining Act, 1904, and in particular, shall and will, within three years from the date of survey of the land hereby demised, fence the whole of the land with a substantial fence, not being a brush fence, proved to the satisfaction of our Minister for Mines to be sufficient to resist the trespass of great stock, and, within five years from the said date, shall expend upon the land in prescribed improvements an amount equal to one dollar per acre.
3. The lessee shall not nor will assign, underlet, or part with the possession of the land hereby demised, or any part thereof, without the previous consent, in writing, of our Minister for Mines.

PROVIDED ALWAYS, and it is hereby expressly agreed and declared, that if the rent hereby reserved be not paid in advance at the times and in manner provided by the Mining Act and the Regulations for the time being in force thereunder, or if the lessee shall commit a breach of any of the covenants or conditions herein contained, or a breach of any of the provisions of the Mining Act, 1904, or of the said Regulations applicable to this demise which render the same

liable to forfeiture our said Governor may, in accordance with the provisions of the said Act and Regulations, declare this lease to be forfeited and void, and thereupon all the estate and interest of the lessee, and of any person claiming under him, shall cease and determine, and the land hereby demised shall revert to us, our heirs and successors, as if these presents had not been made.

Provided further that our said Governor may at any time, without compensation to the lessee, resume possession of any portion of the land hereby demised for the construction thereon of roads, tramways, or railways, including all necessary approaches thereto, and may resume the whole or any portion of the land hereby demised for any mining purpose whatsoever on paying compensation for any improvements thereon as provided in the Mining Act, 1904.

Provided further that all mineral oil on or below the surface of the demised land is reserved to Her Majesty, with the right to Her Majesty or any person claiming under her or lawfully authorised in that behalf to have access to the demised land for the purpose of searching for and for the operations of obtaining mineral oil in any part of the land under the provisions of the Petroleum Act, 1936.

IN WITNESS WHEREOF we have caused our Minister for Mines to affix his seal and set his hand hereto, at Perth, in our said State of Western Australia, this day of 19

THE SCHEDULE ABOVE REFERRED TO.

Lease Form No. 6 amended by G.G. 29/6/45, p. 615.

Lease Form No. 6. COAL MINING LEASE.

Lease No..... District of.....

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom, Australia and Her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith: TO ALL TO WHOM these presents shall come, GREETING: KNOW YE that whereas by the Mining Act, 1904, power is given to the Governor of our State of Western Australia, in the Commonwealth of Australia to grant leases of land for the purposes of mining for coal thereon: AND WHEREAS, of h made application for a lease of the land hereinafter described for such purpose, and our said Governor has approved of the granting of such lease: NOW WE, in consideration of the rents and covenants hereinafter reserved and on the part of the said (who, with executors, administrators, and lawful assigns, is hereinafter referred to as "the lessee")* to be paid and observed, do by these presents grant and demise unto the lessee all that piece or parcel of land situated on the Mineral Field, containing by admeasurement, be the same more or less, and particularly described and delineated on the plan in the First Schedule hereto, and all those mines, veins, seams, or deposits of coal in, on, and under the said land (hereinafter called the "said mine"), together with the right, liberties, easements, advantages, and appurtenances thereto belonging or appertaining, to hold the said land and the said mine and all and singular the premises hereby demised unto the lessee** for the full term of twenty-one years from the first day of January, One thousand nine hundred and, for the purpose only of mining for coal thereon, in accordance with the provisions of the Mining Act, 1904, YIELDING and paying therefor the yearly rent of five cents per acre, in advance, the rent having been paid up to the 31st day of December, One thousand nine hundred and the next yearly payment shall be due in advance on the first day of January then next ensuing, and further yielding and paying a royalty of two and one-half cents per ton on all coal raised from the said land during the first ten years of the said term, and five cents per ton on all coal raised from the said land during the remainder of

General Form of Lease amended by G.G. 19/6/45, p. 615.

GENERAL FORM OF LEASE.

..... LEASE.

Under the Mining Act, 1904.

Lease No..... Gold or Mineral Field.

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom, Australia and Her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith: TO ALL TO WHOM these presents shall come, GREETING: KNOW YE that whereas by the Mining Act, 1904, power is given to the Governor of our State of Western Australia, in the Commonwealth of Australia, to grant leases of land for the purpose of (*here set out the purpose in Form Nos. 1, 2, 3 or 4, given below*), upon the terms and conditions set forth in the said Act: AND WHEREAS of h made application for a lease of the land hereinafter described for such purpose, and our said Governor has approved of the granting of such lease: NOW WE, in consideration of the rents and covenants hereinafter reserved and on the part of the said (who, with executors, administrators, and lawful assigns, is hereinafter referred to as "the lessee")* to be paid and observed, do by these Presents, grant and demise unto the lessee all that piece or parcel of land situated on the goldfield or mineral field, containing by admeasurement be the same more or less, and particularly described and delineated in the plan in the First Schedule hereto, together with the rights, liberties, easements, advantages, and appurtenances thereto belonging or appertaining. To hold the said land and all and singular premises hereby demised unto the lessee** for the full term of years from the first day of January, One thousand nine hundred and for the purposes hereinbefore mentioned only, and which are more fully set out in the said First Schedule, YIELDING and paying therefor the yearly rent of per acre, in advance: AND WE do hereby declare that this lease is subject to the observance and performance by the lessee of the following covenants and conditions, that is to say:—

1. The lessee shall and will during the said term, pay the rent hereby reserved, clear of all deductions, at the time and in manner provided by the Mining Act, 1904, and the Regulations made thereunder.
2. The lessee shall and will use and work the land continuously and *bona fide* exclusively for the purposes for which it is demised.
3. The lessee shall and will observe, perform, and carry out the provisions of the Mining Act, 1904, the Mines Regulation Act, 1946, and any Acts amending the same, and the Regulations for the time being in force under the said Acts so far as the same affect or have reference to leases granted under the Mining Act, 1904.
4. The lessee shall not, nor will assign, underlet, or part with the possession of the land or mine, or any part thereof, without the previous consent, in writing, of our Minister for Mines.

(Here set out any special conditions on which the lease is granted.)

PROVIDED ALWAYS, and it is hereby expressly agreed and declared, that if the rent hereby reserved be not paid in advance at the time and in manner provided by the Mining Act, 1904, and the Regulations made thereunder, or if the lessee shall commit a breach of any of the covenants and conditions herein contained, or a breach of any of the provisions of the Mining Act, 1904, or of the said Regulations applicable to this demise which render the same liable to forfeiture, our said Governor may, in accordance with the provisions of the said Act and Regulations, declare this lease to be forfeited and void, and thereupon all the estate and interest of the lessee and of any person claiming under him shall cease and determine, and the land and mine hereby demised shall revert to us, our heirs and successors, as if these presents had not been made, but our said Governor may as an alternative to declaring this lease forfeited and void, impose on the lessee a fine not exceeding one thousand dollars for the breach of any such covenant, condition, provision, or regulation.

Provided further, that our said Governor may at any time, without compensation to the lessee, resume possession of any portion of the surface of the land hereby demised for the construction thereon of roads, tramways, or railways, including all necessary approaches thereto, or for any other public purpose whatsoever.

Provided further, that all mineral oil on or below the surface of the demised land is reserved to Her Majesty, with the right to Her Majesty, or any person claiming under her or lawfully authorised in that behalf to have access to the demised land for the purpose of searching for and for the operations of obtaining mineral oil in any part of the land under the provisions of the Petroleum Act, 1936.

IN WITNESS WHEREOF we have caused our Minister for Mines to affix his seal and set his hand hereto, at Perth, in our said State of Western Australia, this day of , 19 .

THE FIRST SCHEDULE ABOVE REFERRED TO.

THE SECOND SCHEDULE ABOVE REFERRED TO.

Description of purposes for which leases may be granted under this Form.

1. Cutting and constructing thereon water-races, drains, dams, reservoirs, roads, or tramways, to be used in connection with mining.
2. Erecting thereon any buildings or machinery to be used in connection with mining.
3. Boring or sinking for, pumping, or raising water.
4. Residence thereon in connection with mining.

* If the lessee is a corporate body strike out the words "who with executors, administrators, and" and insert "which with its."

** If there be more than one lessee insert here "in the shares set out opposite their respective names in the Second Schedule hereto."

**Table of Measurements of various areas from 1 acre to 48 acres —
Lengths twice the widths.**

1 acre =	98 x 49 yards 447 x 224 links	15 acres =	380 x 190 yards 1732 x 866 links
2 acres =	139 x 69 yards 632 x 316 links	16 acres =	392 x 196 yards 1788 x 894 links
3 acres =	170 x 85 yards 774 x 387 links	17 acres =	105 x 203 yards 1844 x 922 links
4 acres =	196 x 98 yards 894 x 447 links	18 acres =	416 x 208 yards 1897 x 949 links
5 acres =	220 x 110 yards 1000 x 500 links	19 acres =	428 x 214 yards 1949 x 975 links
6 acres =	241 x 120 yards 1095 x 548 links	20 acres =	440 x 220 yards 2000 x 1000 links
7 acres =	262 x 131 yards 1183 x 592 links	21 acres =	450 x 225 yards 2049 x 1025 links
8 acres =	278 x 139 yards 1264 x 632 links	22 acres =	461 x 230 yards 2098 x 1049 links
9 acres =	295 x 147 yards 1342 x 671 links	23 acres =	471 x 236 yards 2144 x 1072 links
10 acres =	311 x 155 yards 1414 x 707 links	24 acres =	482 x 241 yards 2190 x 1095 links
11 acres =	326 x 163 yards 1483 x 742 links	30 acres =	538 x 269 yards 2449 x 1225 links
12 acres =	340 x 170 yards 1549 x 775 links	35 acres =	582 x 291 yards 2646 x 1323 links
13 acres =	354 x 177 yards 1612 x 806 links	40 acres =	622 x 311 yards 2828 x 1414 links
14 acres =	368 x 184 yards 1673 x 837 links	48 acres =	681 x 340 yards 3098 x 1549 links