



Government Gazette

OF

WESTERN AUSTRALIA

(Published by Authority at 12 noon)

(REGISTERED AT THE GENERAL POST OFFICE, PERTH, FOR TRANSMISSION BY POST AS A NEWSPAPER)

No. 51]

PERTH : FRIDAY, 5th JUNE

[1970

MINING ACT REGULATIONS—AMENDED

MINING ACT, 1904-1970.

Notice.

PURSUANT to subsection (3) of section 276A of the Mining Act, 1904-1970, I, the undersigned, the Minister for Mines, hereby declare that all of the land reserved from occupation pursuant to subsection (2) of that section, shall cease to be so reserved from occupation as from the date of the publication of this notice in the *Government Gazette*.

ARTHUR GRIFFITH,
Minister for Mines.

MINING ACT, 1904-1970.

Department of Mines,
Perth, 5th June, 1970.

HIS Excellency the Governor in Executive Council, acting pursuant to the provisions of the Mining Act, 1904-1970, has been pleased to make the regulations set out in the schedule hereunder.

I. R. BERRY,
Under Secretary for Mines.

Schedule
Regulations.

- Principal regulations. 1. In these regulations, the regulations made under the provisions of the Mining Act, 1904, as reprinted in the *Government Gazette* on the 29th January, 1969, as amended by notices published from time to time in the *Government Gazette*, are referred to as the principal regulations.
- Reg. 100 amended. 2. Regulation 100 of the principal regulations is amended—
- (a) by adding after the regulation number "100." the subregulation designation "(1)"; and
- (b) by adding at the end thereof the following subregulation—
- (2) The applicant shall also within forty-eight hours of the delivery to him by the Warden or Mining Registrar of the copies of the notice referred to in subregulation (1) of this regulation, cause a copy of the notice to be posted by prepaid registered post to—
- (a) each owner and each occupier of any private land comprised in the application, at his usual or last known place of abode or business; and
- (b) where the application is in respect of private land—to the clerk of the council of the municipal district in which that land is situated.
- Reg. 108 substituted. 3. Regulation 108 of the principal regulations is revoked and the following regulation substituted:—
108. Where an application for a lease is refused, the applicant is entitled—
- (a) to a refund of the amount of the survey fee paid by him, if the survey or inspection has not been made; and
- (b) if the application is refused on grounds other than the failure of the applicant to comply with a provision of the Act or these regulations—to a refund of the amount of the rent paid by him, less a recording fee of \$1.00.
- Reg. 110 substituted. 4. Regulation 110 of the principal regulations is revoked and the following regulation substituted:—
110. (1) An applicant for a lease who desires to withdraw his application shall lodge a notice of withdrawal in duplicate with the Warden or Mining Registrar in the form No. 11 in the Schedule.
- (2) Upon the acceptance by the Minister of a notice of withdrawal of an application for a lease, the applicant is entitled—
- (a) to a refund of the amount of the survey fee paid by him if the survey or inspection has not been made;
- (b) if the notice of withdrawal is lodged within ninety days of the lodging of the application—to a refund of the amount of the rent paid by him, less a recording fee of \$1.00.

5. Regulation 129 of the principal regulations is revoked and the following regulation substituted:— Reg. 129 substituted.

129. (1) For the purposes of section 147 of the Act, every application by the holder of a miner's right for a permit to enter private land shall—

- (a) be made in the form No. 19 in the Schedule and be accompanied by a fee of five dollars; and
- (b) be accompanied by an approved locality plan on which is shown the private land to which the application relates.

(2) An application referred to in subregulation (1) of this regulation may, if the Warden consents, be made in respect of two or more contiguous lots of private land.

6. Regulation 147 of the principal regulations is revoked and the following regulation substituted:— Reg. 147 substituted.

147. A person who wishes to take possession of and mark off a mining tenement not previously surveyed shall do so—

- (a) in the case of a mining tenement other than a prospecting area—by complying with the provisions of regulations 147A and 147B of these regulations;
- (b) in the case of a prospecting area—by complying with the provisions of regulation 147C of these regulations.

7. The principal regulations are amended by adding the following regulations:— Regs. 147A, 147B, 147C and 147D added.

147A. (1) Subject to the succeeding provisions of this regulation, there shall be fixed firmly in the ground at each corner or angle of the mining tenement, or as near as practicable thereto, a substantial post projecting not less than 5 feet above the surface of the ground, or a cairn of stones projecting not less than 3 feet above the surface of the ground, that is, in either case, set in the angle of two trenches not less than 6 feet in length and 6 inches deep, and cut in the general direction of the boundary lines.

(2) Where, in any particular case, the nature of the ground will not permit of a trench being cut in accordance with subregulation (1) of this regulation, a row of substantial stones that is not less than 6 feet in length shall be substituted in place of the trench.

(3) Where, in any particular case, a corner or angle post or cairn of stones complying with subregulation (1) of this regulation cannot be erected and maintained by reason of the presence of deep water or mud, a substantial post projecting not less than 5 feet above the surface of the ground, or a cairn of stones projecting not less than 3 feet above the surface of the ground, shall be set at the nearest practicable point to the place where the corner or angle lies, either on, or along the prolongation of, one of the boundaries of the mining tenement or in such other position from which a fair estimate of the extent of the ground being marked off and taken possession of can be obtained.

147B. (1) Subject to the succeeding provisions of this regulation, substantial pegs shall be fixed firmly in the ground at intervals not exceeding 15 chains along each of the boundary lines of the mining tenement, each peg being of durable material and projecting not less than 3 feet above the surface of the ground and set between two trenches not less than 4 feet in length and 6 inches deep, cut in the general direction of the boundary line on which it is so fixed.

(2) Where pegs are not available for the purposes of complying with subregulation (1) of this regulation, cairns that are made of stones and are of a height of 3 feet may be used in place of pegs.

(3) Where, in any particular case, the nature of the ground will not permit of a trench being cut in accordance with subregulation (1) of this regulation, a row of substantial stones that is not less than 4 feet in length may be substituted in place of the trench.

147C. (1) Subject to subregulation (2) of this regulation, there shall be fixed firmly in the ground at each corner or angle of the prospecting area, or as near as practicable thereto, a substantial post or cairn of stones projecting not less than 3 feet above the surface of the ground and set in the angle of two trenches not less than 4 feet in length and 6 inches deep, and cut in the general direction of the boundary lines.

(2) Where, in any particular case, the nature of the ground will not permit of a trench being cut, a row of substantial stones that is of similar length shall be substituted.

147D. Any person who, in carrying out or attempting to carry out any of the requirements of regulations 147A, 147B or 147C of these regulations, causes any unnecessary damage to flora, fauna or any other natural feature of the land, commits an offence.

Reg. 153
amended.

8. Regulation 153 of the principal regulations is amended—

- (a) by adding after the regulation number "153." the subregulation designation "(1)";
- (b) by substituting for the word "certificate" in line seven, the word "notice";
- (c) by substituting for the word "certificates" in line nine, the word "notices"; and
- (d) by adding at the end thereof the following subregulation:—

(2) The applicant shall also, within forty-eight hours of the delivery to him by the Mining Registrar of the copies of the notice referred to in subregulation (1) of this regulation, cause a copy of the notice to be posted by prepaid registered post to—

- (a) each owner and each occupier of any private land comprised in the application, at his usual or last known place of abode or business; and
- (b) where the application is in respect of private land—to the clerk of the council of the municipal district in which that land is situated. .

Reg. 161
amended.

9. Subregulation (2) of regulation 161 of the principal regulations is revoked and the following subregulations substituted:—

(2) Where an application for a mining tenement other than by way of lease is withdrawn pursuant to subregulation (1) of this regulation or is refused, the applicant is entitled to a refund of the amount of the survey fee paid by him where the survey or inspection has not been made at the time of the withdrawal of the application.

(3) Where an application for a mining tenement other than by way of lease is—

- (a) withdrawn pursuant to subregulation (1) of this regulation within ninety days of the lodging of the application; or
- (b) refused on grounds other than the failure of the applicant to comply with any provision of these regulations,

the applicant is entitled to a refund of the amount of all rent and registration fees paid by him relating to the application after deducting by way of a recording fee, the amount of—

- (c) \$1.00, where the application is other than for a prospecting area; or
- (b) 25 cents, where the application is for a prospecting area.