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MINING ACT 1978

MINING REGULATIONS
1981

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WESTERN AUSTRALIA

MINING ACT 1978

MINING REGULATIONS 1981

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Reprinted under the Reprints Act
1984 as at 11 August 1988.

WESTERN AUSTRALIA

MINING ACT 1978

MINING REGULATIONS 1981

Made by His Excellency the Governor in Executive Council.

PART I—PRELIMINARY

Citation and commencement

1. (1) These regulations may be cited as the *Mining Regulations 1981*¹.
- (2) These regulations shall come into operation on the day on which those provisions of the Act referred to in section 2 (2) thereof come into operation¹.

Definitions

2. In these regulations unless the contrary intention appears—
 - “date of application” when referring to an application for a mining tenement means the date on which the application is lodged with the warden or mining registrar together with the prescribed fees;
 - “prescribed fee” means the relevant fee set out in the Second Schedule;
 - “quarterly period” means each period of 3 calendar months from the date on which the term of a mining tenement commences;
 - “royalty return” means a royalty return referred to in regulation 85B.
- [*Regulation 2 amended in Gazettes 12 November 1982 p. 4490; 2 October 1987 p. 3813; 20 May 1988 p. 1705.*]

PART II—MINER'S RIGHTS

Form of Miner's Rights

3. A Miner's Right shall be in the form No. 1 in the First Schedule.

Quantity of samples or specimens

4. The quantity of each sample or specimen the holder of a Miner's Right may extract and remove from Crown land—
 - (a) under section 20 (2) (c); or
 - (b) when fossicking,shall not, on each occasion a sample or specimen is taken, exceed 20 kilograms.

[*Regulation 4 substituted in Gazette 20 October 1987 p. 3813.*]

PART III—MINING ON PRIVATE LAND

Application for permit to enter private land

5. Application under section 30 of the Act for a permit to enter on any private land shall be—

- (a) lodged at the office of the mining registrar in the form No. 2 in the First Schedule together with the prescribed fee; and
- (b) accompanied by a map on which the private land is clearly delineated.

Form of permit to enter

6. A permit to enter upon private land shall be in the form No. 3 in the First Schedule.

Notice of application relating to private land

7. The notice required to be given under section 33 (1) of the Act shall be in the form No. 21 in the First Schedule and be served within 14 days of the date of application.

Application to bring private land under the Act

8. (1) A person desirous of bringing within the operation of Division 3 of Part III of the Act any private land as set out in section 37 (1) shall lodge with the prescribed fee a written application with the Department at Perth, giving a full description of the land, and of his reasons for believing that the same contains minerals, other than gold, silver or precious metals, in payable qualities.

(2) Prior to instructing a geologist or other professional officer to inspect the land the Minister shall give not less than 30 days notice to the owner and occupier of the private land of his intention so to do.

Right of way on private land

9. The right of way required under section 29 (7) (b) of the Act shall be marked by clearly delineating it on a map which shall be lodged at the office of the mining registrar.

Consents under section 29

10. (1) The consents in writing referred to in section 29 (2) shall be—

- (a) filed at the office of the mining registrar; and
- (b) accompanied by a copy of the certificate of title for the relevant land.

(2) The consents in writing referred to in section 29 (6) shall be—

- (a) filed with the Director General of Mines at the Department of Mines at Perth; and
- (b) accompanied by a copy of the certificate of title for the relevant land.

[Regulation 10: Regulation 10 repealed and regulations 10 and 10A substituted in Gazette 2 October 1987 p. 3814.]

Compensation

10A. (1) A claim for compensation under section 123 (3) (a) shall be in the form No. 3A in the First Schedule.

(2) On receipt of a claim for compensation under section 123 (3) (a) the mining registrar shall—

- (a) fix a date and time for informal proceedings to be heard by the warden; and
- (b) advise the owner or occupier and the person liable for payment of compensation of that date and time.

(3) Attendance at informal proceedings referred to in subregulation (2) (a) is not compulsory and parties may submit written submissions to the warden.

[Regulation 10A: Regulation 10 repealed and regulations 10 and 10A substituted in Gazette 2 October 1987 p. 3814.]

PART IV—MINING TENEMENTS

Division 1—Prospecting Licences

Marking out and application

11. An applicant for a prospecting licence shall comply with the regulations in Part V as to marking out and applying for the licence.

Fee, rent to accompany application

12. An application for a prospecting licence shall be accompanied by—

- (a) the prescribed application fee; and
- (b) the prescribed rent per hectare or part thereof.

[Regulation 12 substituted in Gazette 15 June 1984 p. 1655; amended in Gazettes 20 June 1986 p. 2084; 26 June 1987 p. 2526; 2 October 1987 p. 3814.]

Instrument of licence

13. The instrument of licence for a prospecting licence shall be in the form No. 4 in the First Schedule.

Tonnage of ore which may be removed from licence

14. The holder of a prospecting licence shall not extract or remove from such tenement more than 500 tonnes of ore in total, without first obtaining the approval in writing of the Minister, and the extraction or removal of ore of a larger tonnage, without such written approval, shall render the prospecting licence liable to forfeiture.

[Regulation 14 amended in Gazette 2 October 1987 p. 3814.]

Expenditure condition

15. (1) The holder of a prospecting licence shall expend in mining on or in connection with mining on the licence not less than \$40.00 for each hectare or part thereof of the area of the licence with a minimum of \$2 000.00 during each year of the term of the licence, but if the holder is directly engaged part-time or full-time in mining on the licence itself, then an amount equivalent to the wages he would otherwise be entitled to if similarly employed elsewhere in the district shall be deemed to have been expended.

(2) If a prospecting licence is surrendered then a *pro-rata* reduction of the amount to be expended will apply in respect of each whole quarterly period from the date of surrender to the next anniversary date of the commencement of the term of the licence.

Reports to be filed

16. The reports required under section 51 of the Act shall be in the form No. 5 in the First Schedule and filed within 60 days after each anniversary date of the commencement of the term of the licence or within 60 days of the surrender, forfeiture, expiry or other cancellation of the licence, or within such further period as the Minister may approve prior to the date due for filing of the report.

Extension of prospecting licence

16A. (1) An application under section 45 (3) to extend the term of a prospecting licence shall be—

- (a) in the form No. 9 in the First Schedule; and
- (b) accompanied by—
 - (i) the instrument of licence; and
 - (ii) the rent pursuant to regulation 12 (b) for a period of 12 months commencing on the day after the day on which the licence is due to expire.

(2) If the application is refused, a *pro rata* refund of rent will be paid to the applicant in respect of each whole month of the period for which rent has been paid commencing on the day on which the application is refused.

[Regulation 16A inserted in Gazette 2 October 1987 pp. 3814-15.]

*Division 2—Exploration Licences***Application**

17. It shall not be necessary to mark out an exploration licence but an applicant for an exploration licence shall comply with the regulations in Division 2 of Part V with such modifications as the circumstances require.

Fee, rent to accompany application

18. An application for an exploration licence shall be accompanied by—

- (a) the prescribed application fee; and
- (b) the prescribed rent per square kilometre or part thereof.

[Regulation 18 amended in Gazettes 15 June 1984 p. 1655; 20 June 1986 p. 2084; 26 June 1987 p. 2526; 2 October 1987 p. 3815.]

Instrument of licence

19. The instrument of licence for an exploration licence shall be in the form No. 6 in the First Schedule.

Tonnage of ore which may be removed from licence

20. The holder of an exploration licence shall not extract or remove from such tenement more than 1 000 tonnes of ore in total, without first obtaining the approval in writing of the Minister; and the extraction or removal of ore of a larger tonnage, without such written approval, shall render the exploration licence liable to forfeiture.

[Regulation 20 amended in Gazette 2 October 1987 p. 3815.]

Expenditure condition

21. (1) The holder of an exploration licence shall expend in mining on or in connection with mining on the licence not less than \$300 for each square kilometre or part thereof of the area of the licence with a minimum of \$20 000 during each year of the term of the licence, but if the holder is directly engaged part-time or full-time in mining on the licence itself then an amount equivalent to the wages he would otherwise be entitled to if similarly employed elsewhere in the district shall be deemed to have been expended.

(2) If an exploration licence is surrendered then a *pro-rata* reduction of the amount to be expended will apply in respect of each whole quarterly period from the date of surrender to the next anniversary date of the commencement of the term of the licence.

Reports to be filed

22. The reports required under section 68 (2) of the Act shall be a report on operations on the mining tenement in the form No. 5 in the First Schedule to be filed within 60 days after—

- (i) each anniversary date of the commencement of the term of the licence;
- (ii) the surrender, forfeiture, expiry or other cancellation of the licence;
- (iii) the surrender of any portion of the licence, relating to all work done during the tenure of the licence on that surrendered portion,

or within such further period as the Minister may approve prior to the date due for filing of the report.

Notification of retained area

23. (1) The notification required under section 65 (3) shall be—

- (a) in the form No. 7 in the First Schedule;
- (b) lodged with the Director General of Mines; and
- (c) accompanied by a map of the land that the holder desires shall remain subject to the exploration licence.

(2) The Director General of Mines shall cause a copy of the notification to be posted on the notice boards at the Department in Perth and at the office of the mining registrar for the mineral field or district thereof wherein the licence to which the notification relates is registered.

[Regulation 23: Regulation 23 repealed and regulations 23, 23A and 23B substituted in Gazette 2 October 1987 p. 3815.]

Extension of exploration licence

23A. (1) An application under section 61 to extend the term of an exploration licence shall—

- (a) be made during the final year of the term of the licence;
- (b) be in the form No. 9 in the First Schedule; and
- (c) be accompanied by—
 - (i) the instrument of licence;
 - (ii) the rent pursuant to regulation 18(b) for a period of 12 months commencing on the day after the day on which the licence is due to expire; and
 - (iii) a detailed report of the exceptional circumstances giving rise to the application, a summary of work already carried out under the licence and a detailed programme of work proposed to be carried out under the licence.

(2) If the application is refused, a *pro rata* refund of rent will be paid to the applicant in respect of each whole month of the period for which rent has been paid commencing on the day on which the application is refused.

[Regulation 23A: Regulation 23 repealed and regulations 23, 23A and 23B substituted in Gazette 2 October 1987 p. 3815.]

Agreement as to priority

23B. A written agreement referred to in section 105A(3) shall be lodged within 60 days of the day on which the applications for exploration licences were lodged.

[Regulation 23B: Regulation 23 repealed and regulations 23, 23A and 23B substituted in Gazette 2 October 1987 p. 3815.]

*Division 3—Mining Leases***Marking out and application**

24. An applicant for a mining lease shall comply with the regulations in Part V as to marking out and applying for the lease.

Fees, rent to accompany application

25. An application for a mining lease shall be accompanied by—

- (a) the prescribed application fee;
- (b) the prescribed rent per hectare or part thereof; and
- (c) the prescribed survey fee.

[Regulation 25 amended in Gazettes 15 June 1984 p. 1655; 20 June 1986 p. 2084; 26 June 1987 p. 2526; 2 October 1987 p. 3816.]

Instrument of lease

26. The instrument of lease for a mining lease shall be in the form No. 8 in the First Schedule.

Covenants

27. Every mining lease shall contain and be subject to the following covenants that the lessee shall—

- (a) pay the rents and royalties due under the lease at the prescribed time and in the prescribed manner;
- (b) use the land in respect of which the lease is granted only for mining purposes in accordance with the Act;
- (c) comply with the prescribed expenditure conditions applicable to such land unless partial or total exemption therefrom is granted in such manner as is prescribed;
- (d) not assign, underlet or part with possession of such land or any part thereof without the prior written consent of the Minister, or of an officer of the Department acting with the authority of the Minister;
- (e) lodge with the Department at Perth such periodical reports and returns as may be prescribed; and
- (f) promptly report in writing to the Minister details of all minerals of economic significance discovered in, on or under the land the subject of the mining lease.

Additional condition

28. In addition to the covenants and conditions contained in section 82 of the Act it shall be a condition of every mining lease that all holes, pits, trenches and other disturbances to the surface of the land made whilst mining which in the opinion of the State Mining Engineer are likely to endanger the safety of any person or animal will be filled in or otherwise made safe to the satisfaction of the State Mining Engineer.

Application for renewal

29. (1) Application for renewal of a mining lease under section 78 shall be—

- (a) made in the form No. 9 in the First Schedule;
- (b) accompanied by—
 - (i) the duplicate instrument of lease (if issued); and
 - (ii) the rent pursuant to regulation 25 (b) for a period of 12 months commencing on the day after the day on which the term of the lease is due to expire;
 and
- (c) lodged at the office of the mining registrar at any time during the final year of the term of that lease.

(2) If the application is refused, a *pro rata* refund of rent will be paid to the applicant in respect of each whole month of the period for which rent has been paid commencing on the day on which the application is refused.

[Regulation 29 substituted in Gazette 2 October 1987 p. 3816.]

Notice required by section 56A (8) or 70 (8) of Act

30. When the holder of—

- (a) a special prospecting licence granted under section 56A (6); or
- (b) a special prospecting licence granted under section 70 (6),

of the Act makes an application for a mining lease for gold in respect of the land or any part thereof which is the subject of that special prospecting licence he shall within 14 days of the date of the application serve notice in the form No. 21 in the First Schedule on the holder of—

- (c) the prospecting licence first mentioned in section 56A (1); or
- (d) the exploration licence referred to in section 70 (1),

of the Act, as the case requires.

[Regulation 30 substituted in Gazette 12 November 1982 p. 4490; amended in Gazette 2 October 1987 p. 3816.]

Expenditure condition

31. (1) The holder of a mining lease shall expend in mining on or in connection with mining on the lease not less than \$100 for each hectare or part thereof of the area of the lease with a minimum of \$10 000 during each year of the term of the lease; but if the holder is directly engaged part-time or full-time in mining on the lease itself then an amount equivalent to the wages he would otherwise be entitled to if similarly employed elsewhere in the district shall be deemed to have been expended:

Provided that where the area of a mining lease does not exceed 5 hectares the minimum annual expenditure shall be \$5 000.

(2) If a mining lease is surrendered then a *pro rata* reduction of the amount to be expended will apply in respect of each whole quarterly period from the date of surrender to the next anniversary date of the commencement of the term of the lease.

Reports to be filed

32. The reports required under section 82 (1) of the Act shall be in the form No. 5 in the First Schedule and filed within 60 days after—

- (a) each anniversary date of the commencement of the term of the lease;
- (b) the surrender, forfeiture, expiry or other cancellation of the lease; and
- (c) the surrender of any portion of the lease, relating to all work done during the tenure of the lease on that surrendered portion,

or within such further period as the Minister may approve prior to the date due for filing of the reports.

[Regulation 32 amended in Gazette 2 October 1987 p. 3816.]

Division 4—General Purpose Leases

Marking out and application

33. An applicant for a general purpose lease shall comply with the regulations in Part V as to marking out and applying for the lease.

Fees, rent to accompany application

34. An application for a general purpose lease shall be accompanied by—

- (a) the prescribed application fee;
- (b) the prescribed rent per hectare or part thereof; and
- (c) the prescribed survey fee.

[Regulation 34 amended in Gazettes 15 June 1984 p. 1655; 20 June 1986 p. 2084; 26 June 1987 p. 2526; 2 October 1987 p. 3816.]

Instrument of lease

35. The instrument of lease for a general purpose lease shall be in the form No. 10 in the First Schedule.

Covenants and conditions

36. Every general purpose lease shall contain and be subject to the following covenants and conditions that the lessee shall—

- (a) pay the rents due under the lease at the prescribed time and in the prescribed manner;
- (b) use the land in respect of which the lease is granted only for the purposes specified in the lease;
- (c) not assign, underlet or part with possession of such land or any part thereof without the prior written consent of the Minister, or of an officer of the Department acting with the authority of the Minister;
- (d) lodge with the Department at Perth such periodical reports as are approved by the Director General of Mines as being required in respect of a general purpose lease;
- (e) promptly report in writing to the Minister details of all minerals of economic significance discovered in, on or under the land the subject of the lease; and
- (f) be liable to have the lease forfeited if he is in breach of any of the covenants or conditions thereof.

[Regulation 36 amended in Gazette 2 October 1987 p. 3837.]

Application for renewal

36A. (1) Application for renewal of a general purpose lease under section 88 shall be—

- (a) in the form No. 9 in the First Schedule;
- (b) accompanied by—
 - (i) the duplicate instrument of lease (if issued); and
 - (ii) the rent pursuant to regulation 34 (b) for a period of 12 months commencing on the day after the day on which the term of the lease is due to expire;
- and
- (c) lodged at the office of the mining registrar at any time during the final year of the term of that lease.

(2) If the application is refused, a *pro rata* refund of rent will be paid to the applicant in respect of each whole month of the period for which rent has been paid commencing on the day on which the application is refused.

[Regulation 36A inserted in Gazette 2 October 1987 p. 3817.]

*Division 5—Miscellaneous Licences***Marking out and application**

37. (1) A miscellaneous licence shall be marked out by erecting substantial posts projecting not less than 1 metre above the ground at each extremity of the land in respect of which the licence is sought; and by affixing a notice in the form No. 20 in the First Schedule and a map as referred to in section 93 (2) of the Act to one of such posts to be known as the datum post.

(2) The applicant for a miscellaneous licence shall comply with the regulations in Part V relating to applications and in addition to giving notice of the application as required under the Act and these regulations, shall also cause copies to be given to each applicant for or holder of any mining tenement comprising any portion of the land the subject of the application.

Shape of licence

38. A miscellaneous licence may be of any shape but the boundaries of the land shall where practicable comprise straight lines.

Fee, rent to accompany application

39. An application for a miscellaneous licence shall be accompanied by—

- (a) the prescribed application fee; and
- (b) the prescribed rent per hectare or part thereof.

[Regulation 39 substituted in Gazette 15 June 1984 p. 1655; amended in Gazettes 20 June 1986 p. 2084; 26 June 1987 p. 2526; 2 October 1987 p. 3817.]

Information to be provided at hearing of application

40. At the hearing of an application for a miscellaneous licence the applicant shall in addition to any other information requested by the warden, supply details of any works to be constructed in connection with the licence, the proposed manner of construction thereof, and any operations to be carried out thereon.

Covenants and conditions

41. Every miscellaneous licence shall contain and be subject to the following covenants and conditions that the licensee shall—

- (a) pay the rents due under the licence at the prescribed time and in the prescribed manner;
- (b) continuously use the licence for the purpose for which it was granted;
- (c) not assign, underlet or part with possession of the licence or any part thereof without the prior written consent of the Minister, or of an officer of the Department acting with the authority of the Minister;
- (d) lodge with the Department at Perth such periodical reports as are approved by the Director General of Mines as being required in respect of a miscellaneous licence;
- (e) promptly report in writing to the Minister details of all minerals of economic significance discovered in, on or under the land the subject of the licence; and
- (f) be liable to have the licence forfeited if he is in breach of any of the covenants or conditions thereof.

[Regulation 41 amended in Gazette 2 October 1987 p. 3837.]

Instrument of licence

42. The instrument of licence for a miscellaneous licence shall be in the form No. 11 in the First Schedule.

Application for renewal

42A. (1) Application for renewal of a miscellaneous licence under section 91 shall be—

- (a) in the form No. 9 in the First Schedule;
- (b) accompanied by—
 - (i) the instrument of licence; and
 - (ii) the rent pursuant to regulation 39 (b) for a period of 12 months commencing on the day after the day on which the licence is due to expire;
- and
- (c) lodged at the office of the mining registrar at any time during the final year of the term of that licence.

(2) If the application is refused, a *pro rata* refund of rent will be paid to the applicant in respect of each whole month of the period for which rent has been paid commencing on the day on which the application is refused.

[Regulation 42A inserted in Gazette 2 October 1987 p. 3817.]

Prescribed purposes for miscellaneous licences

42B. For the purposes of section 91 (1) (h) of the Act—

- (a) hydraulic reclamation and transport of tailings; and
- (b) aerodrome,

are prescribed purposes for which a licence may be granted.

[Regulation 42B substituted in Gazette 15 July 1988 p. 2474.]

*Division 6—Surrenders and Forfeitures***Surrender of tenement**

43. (1) The holder of a mining tenement wishing to surrender in whole such tenement shall execute a surrender in the form No. 12 in the First Schedule and shall lodge the surrender with the instrument of lease or licence (if issued).

(2) The surrender under section 95 of the Act of one or more mining tenements may be conditional on an application for a new mining tenement in respect of the whole or any part of the area of the mining tenement or mining tenements so surrendered being granted to the holder of that mining tenement or those mining tenements.

[Regulation 43 amended in Gazette 12 November 1982 p. 4490.]

Shape of tenement after partial surrender

44. (1) Where a mining tenement is surrendered in part under section 95 of the Act, the part of the tenement remaining after surrender shall except in respect of an exploration licence constitute a single area the shape of which is as near as practicable as the circumstances permit in accordance with regulation 92, but in respect of an exploration licence the part remaining shall consist of no more than 3 discrete areas each of which is of the shape prescribed by that regulation or as near thereto as is practicable.

(2) The surrender in part under section 95 of the Act of one or more mining tenements may be conditional on an application for a new mining tenement in respect of the whole or any part of the area of—

- (a) the part of the mining tenement; or
- (b) the parts of the mining tenements,

so surrendered being granted to the holder of that mining tenement or those mining tenements.

[Regulation 44 amended in Gazette 12 November 1982 p. 4490.]

Marking out etc., required for partial surrender

45. (1) Where a mining tenement is being surrendered as to part only the holder shall—

- (a) in the case of a mining tenement other than an exploration licence, comply with subregulations (2) to (4);
- (b) in the case of an exploration licence comply with subregulation (3), but no fee shall be payable for a surrender required pursuant to section 65 of the Act.

(2) Additional posts and pegs shall be erected and trenches cut as if the part of the tenement to be retained was being marked out as a new mining tenement in accordance with regulation 59 except that in lieu of a notice of marking out, a notice of re-marking in the form No. 13 in the First Schedule, shall be used.

(3) A partial surrender in the form No. 14 in the First Schedule shall be executed and lodged with the instrument of lease or licence (if issued), the prescribed fee, and where applicable the prescribed survey fee for re-survey of the retained portion.

(4) Any posts, pegs or notice of re-marking placed in connection with a surrender pursuant to this regulation shall be removed in the event of the surrender not being proceeded with or not being registered.

[Regulation 45 amended in Gazettes 15 June 1984 p. 1655; 20 June 1986 p. 2084; 26 June 1987 p. 2526; 2 October 1987 p. 3817.]

Partial surrender to be endorsed on instrument of lease/licence

46. Where a mining tenement is surrendered as to part only, particulars of the registered surrender shall be endorsed on the instrument of lease or licence.

Consent of mortgagee to surrender

47. (1) A surrender relating to a mining tenement encumbered by a mortgage shall be accompanied by the written consent of the mortgagee unless the surrender is pursuant to section 65 of the Act.

(2) If the surrender referred to in subregulation (1) is conditional in favour of an application for a new mining tenement, the holder and the mortgagee may agree to continue the mortgage against the new tenement and lodge a deed of variation accordingly with the consent referred to in subregulation (1) and upon the conditional surrender being registered, the mortgage shall continue as registered against the new tenement and shall thereafter be of full force and effect in respect of that tenement.

Plaint for forfeiture

48. An application for the forfeiture of a mining tenement under section 96 (1) (b) or section 98 of the Act shall be made by way of plaint in the form No. 33 in the First Schedule.

Forfeiture for non-payment of rent, etc.

49. (1) An application for the forfeiture of a mining tenement under section 96 (1) (a) of the Act shall be in the form No. 15 in the First Schedule.

(2) On receipt of an application referred to in subregulation (1), the warden shall fix a date on which he intends to hear an application for the forfeiture of the mining tenement (hereinafter in this regulation referred to as the fixed date), and the warden shall then cause the following action to be taken—

- (a) written notification of the intended hearing to be forwarded by post to the holder of the mining tenement, at least 30 days prior to the fixed date, addressed to him at his last known place of abode or business;
- (b) a notice of the intended hearing to be posted up on the notice board at the office of the mining registrar at least 14 days prior to the fixed date; and
- (c) notice of the intended hearing to be published in the *Government Gazette* at least 14 days prior to the fixed date.

(3) An objection in the form No. 16 in the First Schedule against the warden making an order for forfeiture referred to in subregulation (2) may be lodged at the office of the mining registrar with the prescribed fee at any time prior to the fixed date, and the warden shall hear and determine the matter.

Notice to holder of mining tenement of intended forfeiture

50. The Minister may, before declaring under section 96A (1) of the Act that an exploration licence is forfeited or declaring under section 97 (1) a mining lease or general purpose lease forfeited, as the case requires, cause—

- (a) a written notification (which specifies a date on or before which the holder of the exploration licence or of the mining lease or general purpose lease may pay any outstanding rents or royalties or make written submissions that that holder wishes the Minister to consider) to be posted to that holder at his last known place of abode or business giving notice of the intended forfeiture of the exploration licence or of the mining lease or general purpose lease; and
- (b) if the exploration licence or the mining lease or general purpose lease is liable to forfeiture for non-payment of rent or royalties, a notice of the intended forfeiture thereof to be posted on the notice board at the office of the mining registrar and published in the *Government Gazette*.

Application for restoration of tenement

51. An application under section 97A for restoration of a mining tenement and cancellation of forfeiture shall be—

- (a) in the form No. 17 in the First Schedule;
- (b) accompanied by the prescribed fee;
- (c) accompanied by any outstanding rent payable by the applicant under the Act in relation to the forfeited tenement; and
- (d) lodged with the mining registrar within 30 days of the forfeiture of the mining tenement or such further period as the warden considers reasonable.

[Regulation 51: Regulation 51 repealed and regulations 51, 51A and 51B substituted in Gazette 2 October 1987 p. 3818.]

Notice of application for restoration

51A. Notice of an application made under section 97A (1) shall be in the form No. 17 in the First Schedule.

[Regulation 51A: Regulation 51 repealed and regulations 51, 51A and 51B substituted in Gazette 2 October 1987 p. 3818.]

Objection to application

51B. A notice of objection to the granting of an application under section 97A (1) shall be—

- (a) in the form No. 16 in the First Schedule; and
- (b) lodged with the mining registrar within 30 days of the lodging of the application with the mining registrar or within such further time as the warden considers reasonable; and
- (c) accompanied by the prescribed fee.

[Regulation 51B: Regulation 51 repealed and regulations 51, 51A and 51B substituted in Gazette 2 October 1987 p. 3818.]

No expenditure obligation while plaint lodged

52. It shall not be obligatory on the holder of any mining tenement to comply with the expenditure conditions thereof after a plaint claiming forfeiture has been lodged until 7 days after the determination thereon.

Notice to mortgagee

53. Where a mining tenement that is liable to forfeiture is encumbered by a mortgage then at the same time as notification is sent to the holder pursuant to regulations 49 and 50 the warden or Minister as the case may be shall cause a copy of the notification to be forwarded to the mortgagee by post.

*Division 7—Exemptions***Application for certificate of exemption**

54. (1) An application for a certificate of exemption under section 102 shall be made in the form No. 18 in the First Schedule and lodged at the office of the mining registrar with the prescribed fee.

(2) An application for a certificate of exemption under section 102A shall be accompanied by the prescribed fee.

[Regulation 54: Regulations 54, 55, 56 and 57 repealed and regulations 54, 55 and 56 substituted in Gazette 2 October 1987 p. 3818.]

Time for lodging of objections to exemptions

55. The mining registrar shall, on the lodging of an application for a certificate of exemption under section 102—

- (a) set a date, being not less than 21 days from the date of that lodging, on or before which a person may on payment of the prescribed fee lodge an objection in the form No. 16 in the First Schedule against that application; and
- (b) post a copy of that application on the notice board at his office.

[Regulation 55: Regulations 54, 55, 56 and 57 repealed and regulations 54, 55 and 56 substituted in Gazette 2 October 1987 p. 3818.]

Determination of application

56. (1) Except as provided in subregulation (2), after the time allowed for lodging objections, the warden shall, in open court, receive evidence in support of the application for a certificate of exemption and of any objection to that application.

(2) Notwithstanding subregulation (1), in the absence of any objection being lodged, the warden may accept evidence by way of statutory declaration without requiring the applicant to attend the Court.

[Regulation 56: Regulations 54, 55, 56 and 57 repealed and regulations 54, 55 and 56 substituted in Gazette 2 October 1987 p. 3818.]

[57. Regulation 57: Regulations 54, 55, 56 and 57 repealed and regulations 54, 55 and 56 substituted in Gazette 2 October 1987 p. 3818.]

Certificate of exemption

58. A certificate of exemption under section 102 or 102A shall be in the form No. 19 in the First Schedule.

[Regulation 58 amended in Gazette 2 October 1987 p. 3819.]

PART V—GENERAL REGULATIONS

Division 1—Marking out Mining Tenements

Manner of marking out a tenement

59. Land in respect of which a mining tenement is sought shall, unless where otherwise expressly provided, be marked out in the following manner—

- (a) by fixing firmly in the ground at each corner or angle of the mining tenement, or as near as practicable thereto, a substantial post or cairn of stones projecting not less than 1 metre above the surface of the ground and set in the angle of 2 trenches commencing between 1.5 and 2 metres from the post or cairn, not less than 1 metre in length and 15 centimetres deep, cut in the direction of the boundary lines;
- (b) by fixing firmly in the ground at intervals not exceeding 300 metres along each of the boundary lines of the mining tenement, substantial pegs or cairns of stones projecting not less than 1 metre above the surface of the ground and set between 2 trenches not less than 1 metre in length and 15 centimetres deep, cut in the direction of the boundary line on which it is so fixed, but such pegs and trenches are not required in respect to any boundary line or portion thereof which—
 - (i) coincides with a previously surveyed boundary, a fence, railway line, road or other similar well defined feature if such boundary, or feature is referred to in the description of the tenement recorded on the notice of marking out in the form No. 20 and the application in the form No. 21 in the First Schedule;
 - (ii) is within an existing townsite or built up area; or
 - (iii) is situated on private land;
- (c) on the completion of the requirements of paragraphs (a) and (b) of this regulation by fixing firmly to one of the corner posts or cairns which shall be the datum post, notice of marking out in the form No. 20 in the First Schedule.

[Regulation 59 amended in Gazette 2 October 1987 p. 3819.]

Stones in lieu of trenches

60. Where the nature of the ground will not permit a trench being cut in accordance with regulation 59, a row of substantial stones that is not less than 1 metre in length may be substituted.

Marking out surveyed land

61. It shall not be necessary to mark out land in respect of which a mining tenement is sought, the boundaries of which are identical with any surveyed land, other than by fixing at a corner of the boundaries a datum post to which the notice of marking out in the form No. 20 in the First Schedule shall be affixed.

[Regulation 61 amended in Gazette 2 October 1987 p. 3819.]

Surplus land may be applied for by others

62. (1) Any person who marks out land as a mining tenement comprising an area in excess of the maximum area provided in the Act for such tenement shall be liable to have the surplus land at either end or side marked out at the option of any person who wishes to apply for a mining tenement in respect to such surplus land.

(2) Subregulation (1) does not apply in respect to any land containing the workings of the person first marking out, or on which any permanent building has been erected.

Land marked out but not applied for

63. (1) If a person marks out land as a mining tenement in accordance with these regulations but fails to lodge an application therefor within the prescribed time he shall not be at liberty to mark out any portion of the same land within 21 days from the date of the first marking out.

(2) A person who, by himself or in collusion with any other person, causes anything to be done with the intent of defeating the terms of subregulation (1) commits an offence.

*Division 2—Applications and Objections***Application for mining tenement**

64. (1) Application for a mining tenement shall be in the form No. 21 in the First Schedule and lodged with the warden by being filed at the office of the mining registrar with the prescribed fees and rent within 10 days of marking out or such further time as the warden considers reasonable.

(2) On receipt of the application the mining registrar shall post a copy of the application on the notice board at his office.

(3) The applicant shall obtain from the mining registrar sufficient copies of the application to enable, where applicable, copies to be served or given in accordance with sections 33, 41, 56A, 70 or 118 of the Act, and compliance with subregulations (4) and (5).

(4) The applicant shall affix a copy of the application to the datum post of the ground applied for within 14 days of the date of application, or such further period as the warden considers reasonable, and shall keep the copy intact and legible until the application is granted, but the affixing of the copy to the datum post may be dispensed with by the warden upon his being satisfied that the ground is situated in a remote or unoccupied locality and such affixing would not effect publicity.

(5) The applicant shall cause a copy of the application to be advertised in a newspaper published at least weekly and generally circulating in the district or place in which the land is situated within 14 days of the date of the application or within such further period as the warden considers reasonable.

[Regulation 64 amended in Gazette 2 October 1987 p. 3819.]

Notice of application for prospecting licence

64A. The notice required to be served on the owner and occupier under section 41 (2) of the Act shall be in the form No. 21 in the First Schedule.

[Regulation 64A inserted in Gazette 2 October 1987 p. 3819.]

Number of shares to be stated on application

65. Every application for a mining tenement shall state the number of shares in which the tenement is to be held and their division, but no fractions of shares may be held.

Description of boundaries

66. The boundaries of every mining tenement applied for shall be described from an existing survey mark or other well defined feature.

Objection against application

67. Within 30 days of the date of application for a mining tenement or such further period as the warden considers reasonable any person may upon payment of the prescribed fee lodge at the office of the mining registrar an objection in the form No. 16 in the First Schedule and the objector shall serve a copy of such objection on the applicant.

Warden may obtain report

68. Prior to making any recommendation or granting any application for a mining tenement, the warden may obtain a report from the Director, Geological Survey, the State Mining Engineer, or any other officer of the Department.

Withdrawal of applications

69. An applicant for a mining tenement may, at any time before the granting of the application, apply to withdraw his application by lodging at the office of the mining registrar a withdrawal in the form No. 22 in the First Schedule, but if—

- (a) the land in respect of which the application is made is private land; and
- (b) the owner, or occupier, of the private land referred to in paragraph (a) has lodged an objection to the application,

the application shall not be withdrawn without leave of the warden at the hearing of the application.

Refund of rent on withdrawal or refusal of application

70. If an application for a mining tenement is withdrawn under regulation 69 or is refused, the applicant is entitled to a refund of the amount of all rent paid.

[Regulation 70: Regulation 70 repealed and regulations 70 and 70A substituted in Gazette 2 October 1987 pp. 3819-20.]

Amalgamation of secondary tenement

70A. (1) An application to amalgamate a secondary tenement under section 105 (2) shall—

- (a) be lodged with the mining registrar;
- (b) be accompanied by—
 - (i) a map of the secondary tenement; and
 - (ii) the instrument of licence;
 and
- (c) state whether—
 - (i) private land; or
 - (ii) land to which sections 24 and 25 apply,
 is affected.

(2) Where private land is affected by an application the provisions of section 29 shall apply.

[*Regulation 70A: Regulation 70 repealed and regulations 70 and 70A substituted in Gazette 2 October 1987 pp. 3819-20.*]

Division 3—Boundary Marks

Boundary marks to be maintained

71. The applicant for, or holder of, a mining tenement shall maintain posts, pegs, trenches or other sufficient boundary marks required by the Act and these regulations.

No liability for mining if boundary marks not maintained

72. If posts, pegs, trenches or other sufficient boundary marks are not maintained on a mining tenement as provided in regulation 71 and a person enters and commences mining thereon, he shall not be liable for damage if he ceases mining thereon as soon as the posts or pegs are replaced, or the trenches or other sufficient boundary marks are renewed, and notice in writing is given to him to withdraw.

Holder to identify boundaries

73. The holder of a mining tenement shall at any reasonable time identify or cause to be identified the boundaries of the tenement for any person requiring the information, by pointing out to that person the posts, pegs, trenches and other boundary marks of the tenement or by supplying a plan or description thereof.

False documents/notices not to be posted

74. A person who posts up a false document or notice affecting a mining tenement or an application therefor with the intent to deceive or mislead any other person commits an offence.

Division 3A—Fossicking

[*Division 3A inserted in Gazette 2 October 1987 p. 3820.*]

Means of fossicking

74A. (1) The holder of a Miner's Right may fossick by means of hand tools only.

(2) The holder of a Miner's Right shall not fossick by means of a metal detector, machinery or machine assisted tools, including vehicle drawn scrapers, graders and similar tools, on any land.

[*Regulation 74A: See note under Division heading.*]

Division 4—Transfers, Caveats, Mortgages

Transfer of tenement

75. Unless otherwise provided in the Act or these regulations the holder of a mining tenement may apply to transfer the whole of it or an interest in it by lodging a transfer in the form No. 23 in the First Schedule with the prescribed fee, but—

- (a) every transfer shall be accompanied by the instrument of lease or licence (if issued) and, where applicable, a security similar to that required under sections 26, 52 or 60 of the Act;

- (b) when 2 or more tenements, the property of the same holder, are to be transferred, a separate transfer shall be executed for each;
- (c) when a tenement is held by several holders, and 2 or more of such holders desire to transfer the whole or portion of their interests, a separate transfer shall be executed by each holder;
- (d) when all holders desire to simultaneously transfer the whole tenement, one transfer, executed by all the holders shall be sufficient;
- (e) when a holder desires to transfer portions of his interest in a tenement to 2 or more persons a separate transfer for each interest transferred shall be executed;
- (f) all transfers shall take priority according to the date and time of their registration; and
- (g) when a mining tenement is encumbered by a mortgage the transfer shall be accompanied by the written consent of the mortgagee.

Separate caveat for each tenement

76. A separate caveat in the form No. 24 in the First Schedule shall be lodged in respect of each mining tenement affected.

Mortgage and priority of mortgages

77. A mining tenement or share therein may be mortgaged, charged or made security for the repayment of money advanced or agreed to be advanced or for the discharge of any liability, and

- (a) when it is intended to be so charged, a mortgage in the form No. 25 in the First Schedule shall be lodged; and
- (b) where there are 2 or more mortgages affecting the same tenement, they shall take priority according to the date and time of their registration.

Effect of mortgage

78. A mortgage—

- (a) 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; and
- (b) may cover all buildings, improvements, machinery and appliances in or upon the land comprised in the mining tenement.

Covenants included in mortgage

79. (1) A mortgage may contain such covenants, provisions, stipulations and powers as may be agreed between the parties.

(2) Except as is otherwise provided by a mortgage there shall be deemed to be included in every mortgage—

- (a) stipulations to the following effect:—

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 that property, and obtain exemptions from those conditions.

- (b) powers to the following effect:—

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—

- (i) 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, but in that 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
- (ii) cause the property comprised in the mortgage, or any part thereof, together with any right, title or interest the mortgagor may have in any mining product from the property, to be sold by auction after having not less than 30 days clear before the date of sale—
 - (I) advertised his intention so to do by such means as the Minister approves; but—
 - (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 office of the mining registrar together with such balance for payment to any other mortgagees according to their respective priorities, and to the mortgagor.

Mortgagee's expenses may be added to security

80. All expenses properly incurred by the mortgagee 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.

Transfer under powers contained in mortgage

81. When a mining tenement secured by a mortgage is sold under the powers contained or implied therein, the mortgagee shall as if he were the holder execute a transfer of the tenement in the form No. 23 in the First Schedule and the transfer requirements of this Division shall be complied with.

Redemption of mortgage

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

Discharge of mortgage

83. When the debt or liability secured by a mortgage has been fully paid or discharged the mortgagee shall lodge a discharge of mortgage in the form No. 26 in the First Schedule with the prescribed fee and the instrument of lease or licence (if issued).

Transfer of mortgage

84. A mortgage may be transferred and the transfer shall be lodged with the prescribed fee and the instrument of lease or licence (if issued).

*Division 5—Production and Royalties***Interpretation of Division****85.** In this Division—

- (a) a reference to a mineral includes a reference to a material containing that mineral;
- (b) “realized value” in relation to a mineral means—
 - (i) if exported, the realized value of the mineral F.O.B.; or
 - (ii) if not exported the realized value of the mineral less any cost incurred by the person liable to pay the royalty in transporting the mineral, in the form in which it was sold, to the purchaser; and
- (c) “related corporation” means a corporation that would under section 7 (5) of the *Companies (Western Australia) Code* be deemed to be related for the purposes of that Code.

[*Regulation 85: Regulation 85 repealed and regulations 85, 85A and 85B substituted in Gazette 20 May 1988 p. 1705.*]

Monthly production report

85A. (1) The holder of a mining tenement, and the applicant for a mining tenement in respect of any land, shall within 30 days of the expiry of each month during which any mineral was produced or obtained from that tenement or land, furnish the Director General of Mines with a monthly production report regarding that month in the form No. 27 in the First Schedule.

(2) A person who contravenes subregulation (1) commits an offence.

[*Regulation 85A: Regulation 85 repealed and regulations 85, 85A and 85B substituted in Gazette 20 May 1988 p. 1705.*]

Royalty return

85B. (1) The holder of, or applicant for, a mining tenement shall, on each occasion that he pays royalties to the Department forward with the royalties a royalty return, in a form approved by the Minister, showing in full the details required to calculate those royalties, including, where relevant—

- (a) the quantity of the mineral;
- (b) details, including relevant terms and other parties involved, of any sale, transfer, shipment or other disposal of the mineral;
- (c) the value, or realized value of the mineral;
- (d) the method of calculating the realized value of the mineral including details of any costs deducted to calculate the realized value;
- (e) the rate of royalty used where that rate is different from the rate set out opposite the mineral in the Table to regulation 86.

(2) A person who contravenes subregulation (1) commits an offence.

[*Regulation 85B: Regulation 85 repealed and regulations 85, 85A and 85B substituted in Gazette 20 May 1988 p. 1705.*]

Rates of royalty

86. (1) When any of the minerals prescribed in this regulation are obtained from a mining tenement, or from land the subject of an application for a mining tenement, royalties shall be paid by the holder of, or applicant for, the mining tenement.

(2) The rate of royalty payable for a mineral referred to in the Table to this regulation is as set out opposite the mineral in column 1, 2 or 3 of that Table, unless otherwise provided in these regulations.

TABLE

Mineral	Column 1	Column 2	Column 3
	Amount per tonne according to quantity produced or obtained	Percentage of the realized value	The rate as specified hereunder
Abrasives		5%	
Aggregate	30 cents		
Alunite		5%	
Amblygonite		5%	
Antimony		5%	
Arsenic		5%	
Asbestos		5%	
Attapulgit		5%	
Barytes		5%	
Bauxite		7½%	
Bentonite		5%	
Beryl		5%	
Bismuth		5%	
Building Stone	50 cents		
Calcite		7½%	
Chromite		5%	
Clays	30 cents		
Coal (inc. peat and lignite) —not exported			\$1 per tonne, to be adjusted each year at 30 June in accordance with the percentage increase in the average ex-mine value of Collie coal for the year ending on that date when compared with the corresponding value of Collie coal for the year ending on 30 June 1981.
—sold to a W.A. Govt. instrumentality —exported	5 cents	7½%	
Cobalt		2½%	
Copper		5%	
Corundum		5%	
Diamond		7½%	
Diatomaceous Earth		5%	
Dolomite	30 cents		
Emery		5%	
Feldspar		5%	
Fluorite		5%	
Fullers Earth		5%	
Gadolinite		5%	
Garnet			The rate shall be— (a) 5% for the usual grades of garnet including that used for sand blasting and filtration; (b) 2½% for higher technology grades including that used for garnet paper and polishing purposes. of the realized value, calculated on the basis of the nearest available port if exported.
Gems and Precious Stones		7½%	
Glauconite		5%	
Graphite		5%	
Gravel	30 cents		
Gypsum	30 cents		
Ilmenite			5% of the realized value with a minimum of \$1.50 per tonne but on ilmenite concentrates used as feed stock into an ilmenite beneficiation plant of the producer or of a corporation which is a related corporation to the producer (i.e. a processing plant using any method whatsoever capable of producing or designed to produce upgraded ilmenite containing an average titanium dioxide (TiO ₂) content of not less than 90 per cent) in Western Australia at the rate of \$1.50 per tonne on the ilmenite concentrate fed into the plant, to be adjusted each year at 30 June in accordance with the percentage movement in the average F.O.B. export price of all bulk ilmenite concentrates sales from Western Australian production for the year ending on that date when compared with the corresponding price of all bulk ilmenite concentrates sales from Western Australian production for the year ending 30 June 1987.

Mineral	Column 1	Column 2	Column 3
	Amount per tonne according to quantity produced or obtained	Percentage of the realized value	The rate as specified hereunder
Iron Ore		7½%	5% of the realized value with a minimum of \$11.00 per tonne.
Jarosite		5%	
Kaolin		5%	
Kyanite		5%	
Lead		5%	
Lepidolite		5%	
Leucoxene			
Limestone (metallurgical)	50 cents		
Limestone (construction)	30 cents		
Magnesite		5%	
Magnetite		5%	
Manganese		7½%	
Mercury		2½%	
Mica		5%	
Molybdenite		5%	
Monazite			5% of the realized value with a minimum of \$19.00 per tonne. In accordance with the following formula: $\frac{P}{100} \times \frac{U}{100} = \$R \text{ per tonne}$ Where P = the gross nickel metal price per tonne f.o.b. or its computed equivalent used for the purpose of calculating the actual sale price of the nickel containing product (under usual conditions of sale, without special discounts). Where U = the number of units per hundred of nickel metal in the nickel-containing products sold. Where R = the royalty.
Nickel			
Niobium		5%	
Ochre		5%	
Oil Shale		5%	
Petalite		5%	
Phosphate rock		5%	
Platinoids		2½%	
Pyrites		5%	
Pyrophyllite	50 cents		
Quartz Crystal		7½%	
Rock	30 cents		5% of the realized value with a minimum of \$15.00 per tonne.
Rutile			
Salt	30 cents		
Sand	30 cents		
Semi-precious stones		7½%	
Shale	30 cents		
Silica	50 cents		
Sillimanite		5%	
Silver		2½%	
Spodumene		5%	
Talc	50 cents		2½% of the realized value when sold as concentrate; or 2½% of the value in concentrate form if processed further before sale.
Tantalum			
Tin			2½% of the realized value of tin metal when sold in that form; or, when sold in any other form, 2½% of the value of the contained tin calculated at the ruling price of tin metal used for the purpose of the sale.
Tungsten		5%	5% of the realized value with a minimum of \$4.75 per tonne.
Uranium		5%	
Vanadium		5%	
Vermiculite		5%	
Xenotime		5%	
Zinc		5%	
Zircon			
Other minerals		5%	

[Regulation 86 amended in Gazettes 6 August 1982 p. 3099; 21 August 1987 p. 3268; 20 May 1988 p. 1706.]

Time for payment of royalties to Department

86A. Royalties shall be paid to the Department at Perth within 30 days after—

- (a) the expiry of the month during which the mineral was produced or obtained;
- or
- (b) where the royalty is based on realized value, within 30 days of realization of that value.

[Regulation 86A substituted in Gazette 20 May 1988 p. 1706.]

Tenement within Carnarvon Irrigation District

86B. Notwithstanding regulation 86 (2) the holder of a mining tenement within the Carnarvon Irrigation District established under section 28 (a) of the *Rights in Water and Irrigation Act 1914*, is exempt from the payment of royalty on sand obtained from that mining tenement.

[Regulation 86B inserted in Gazette 6 August 1982 p. 3099.]

Royalty not payable in respect of gold

86C. Notwithstanding regulation 86, no royalty is payable in respect of gold.

[Regulation 86C inserted in Gazette 12 November 1982 p. 4490.]

Exemption in respect of certain clay, gravel, limestone, rock or sand

86D. Notwithstanding regulation 86, the holder of a mining tenement who uses in the course of mining operations clay, gravel, limestone, rock or sand which is not—

- (a) sold; or
 - (b) used for processing or manufacturing purposes,
- is exempt from the payment of royalty in respect thereof.

[Regulation 86D inserted in Gazette 12 November 1982 p. 4490.]

[**86E.** Regulation 86E repealed in Gazette 8 April 1988 p. 1165.]

Exemption in respect of certain attapulgitite

86F. Notwithstanding regulation 86 (2), the rate of royalty payable for attapulgitite produced from Lake Nerramyne by Mallina Holdings Ltd. shall be 2½ per cent of the realized value.

[Regulation 86F inserted in Gazette 6 November 1987 p. 4110; amended in Gazette 20 May 1988 p. 1706.]

Minister may determine value of mineral for the purpose of calculating royalties

87. (1) Where a royalty has been paid under regulation 86 and the Minister is of the opinion that the realized value on which the royalty was based was not a true or fair value on which to calculate the royalty because—

- (a) the value does not represent the market value of the mineral at the date the mineral was first sold, transferred or otherwise disposed of or the costs deducted to calculate the realized value by the person liable to pay the royalty are excessive having regard to the type of sale, transfer or disposal, the Minister shall determine the value of the mineral in accordance with the market value for that type of mineral, assessed at an arms length basis at the date the mineral was first sold, transferred or otherwise disposed of for that type of sale, transfer or other disposal; or
- (b) the first sale, transfer or other disposal of the mineral was to a corporation which is a related corporation to the holder of, or applicant for, the mining tenement and the holder or applicant has not shown to the satisfaction of the Minister within the time specified by the Minister that the sale, transfer or other disposal was a genuine commercial transaction and was not principally for the purpose of minimizing the royalty payable, the Minister shall determine the value of the mineral in accordance with the market value for that type of mineral assessed at an arm's length basis at the date the mineral was first sold, transferred or otherwise disposed of for the type of sale, transfer or other disposal that the Minister is of the opinion would have taken place if the related corporation had not been involved.

(2) Where a value is determined by the Minister under subregulation (1), the royalty shall be assessed at the relevant rate under regulation 86 as if that value was the realized value.

[Regulation 87: Regulation 87 repealed and regulations 87, 87A and 87B substituted in Gazette 20 May 1988 p. 1706.]

Notice of determination and assessment under regulation 87

87A. (1) Where the Minister makes a determination under regulation 87 he shall cause notice of that determination and an assessment of any royalties payable, after taking into account any monies already paid, to be served on the person by whom the royalties are payable.

(2) A person on whom notice is served under subregulation (1) shall pay to the Department at Perth the royalties assessed to be payable within 14 days of service of the notice.

[Regulation 87A: Regulation 87 repealed and regulations 87, 87A and 87B substituted in Gazette 20 May 1988 p. 1706.]

Records

87B. (1) The holder of, or applicant for, a mining tenement shall keep or cause to be kept such records in respect of the mineral produced or obtained from that mining tenement, or from land the subject of an application for a mining tenement, as are necessary—

- (a) to give a true and complete indication of—
 - (i) the quality of the mineral; and
 - (ii) any sale, shipment, transfer or other disposal of that mineral, including time, destination, value and quantity of each sale, shipment transfer or other disposal; and

- (b) to substantiate the details and calculations on all royalty returns forwarded under regulation 85B in respect of the mineral,

and shall retain those records for a period of 7 years after the completion of the sale, shipment, transfer or other disposal of the mineral, or of the payment of the royalty, whichever is the later date.

- (2) A person who contravenes subregulation (1) commits an offence.

[*Regulation 87B: Regulation 87 repealed and regulations 87, 87A and 87B substituted in Gazette 20 May 1988 p. 1706.*]

Access to records to ascertain royalty

88. The Minister may authorize any officer of the Department 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 produced or obtained from any mining tenement or from land the subject of an application for a mining tenement, and any other information necessary to determine the amount of any royalty payable.

Recovery of royalty

89. Any amount of royalty payable pursuant to these regulations and unpaid may be recovered by the Minister on behalf of the Crown by action as for a debt due to the Crown in any court of competent jurisdiction.

Division 6—Miscellaneous

Forms to be completed in accordance with directions

90. A form prescribed by these regulations shall be completed in accordance with such directions as are specified in the form as so prescribed.

Appeal to Minister

91. (1) An appeal referred to in section 32 (2), 56 (1), 56A (5), 70 (5) or 94 (3) of the Act shall be in the form of a submission in writing lodged at the Department within 14 days of the date of the grant or refusal, as the case requires, by a warden of the application concerned.

(2) The Minister may obtain such further information in writing from any other party to the matter and from any other sources as he sees fit to assist him in his determination of the appeal.

[*Regulation 91 amended in Gazette 12 November 1982 p. 4490.*]

Shape of tenement

92. The shape of a mining tenement other than a miscellaneous licence or one marked out pursuant to regulation 61 shall be in the form of a rectangle, but if the presence of boundaries of mining tenements, other boundaries or natural features make it necessary or desirable to vary this shape, each side of the tenement shall be a straight line and where possible at right angles to an adjacent side or parallel to an opposite side.

Rent payable on tenements

93. The rent on all mining tenements shall be paid yearly in advance, and—
- (a) the first payment shall be of the rent for the first year of the term of the mining tenement and shall be made at the time of lodging the application; and
 - (b) subsequent payments of rent are due on the anniversary date of the commencement of the term of the mining tenement and are payable within one month of becoming due.

Refund of fees on surrender/forfeiture

94. Where a whole mining tenement is surrendered or forfeited, the holder is entitled to a refund of any survey fee paid where the survey has not been commenced.

[Regulation 94 substituted in Gazette 16 March 1984 p. 725.]

Tenements within more than one mineral field or district

95. (1) Where an application for a mining tenement is made in respect of land situated within more than one mineral field or district, the application shall be lodged with the warden of the mineral field or district apparently containing the largest portion of the ground applied for.

(2) If, as a result of survey or otherwise it is ascertained that any mining tenement or any land the subject of application for a mining tenement is situated partly within the boundaries of any 2 or more mineral fields or districts the Director General of Mines shall determine to which mineral field or district the mining tenement or application shall be assigned.

[Regulation 95 amended in Gazette 2 October 1987 p. 3837.]

Release of information contained in reports

96. (1) The Minister may make public any information contained in reports submitted to him pursuant to regulations 16, 22, 32, 36 and 41, but, subject to subregulation (2), he shall not make public any such information until after the expiry of a period of 6 months following the surrender, forfeiture, expiry, or other cancellation of the mining tenement or part thereof 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 has consented in writing to the information being made public.

(2) Any person may, on payment of the prescribed fee, obtain at the Department at Perth a copy of the front page of a report in the form No. 5 in the First Schedule submitted to the Minister under regulation 16, 22 or 32.

[Regulation 96 amended in Gazette 2 October 1987 p. 3820.]

No mining that obstructs public thoroughfares, etc.

97. A person who undertakes or causes to be undertaken, any mining that obstructs any public thoroughfare or undermines any road, railway, dam or building in such manner as to endanger the public safety commits an offence.

Control of detritus, dirt, etc.

98. The holder of a mining tenement shall not allow detritus, dirt, sludge, refuse, garbage, mine water or pollutant from the tenement to become 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 purpose and a holder of a mining tenement who contravenes this regulation commits an offence.

Decency and sanitation

99. The holder of a mining tenement shall at all times make adequate provision for preservation of decency and observance of sanitary conditions on the tenement.

Removal of fences, timbers, etc.

100. A person who removes or interferes with any fence erected around, or any timber or other material placed in, on or around any abandoned shaft, hole, pit, trench or other disturbance to the surface of the land previously made or used for mining purposes in such a manner that will render the area in an unsafe condition commits an offence.

Warden may cause inspections of mining operations

101. When any mining being carried out in accordance with the Act appears likely to endanger the safety of any person or animal, or when any accident occurs involving loss of life or serious bodily injury, the warden may cause any necessary inspections to be made as to the manner of mining or nature and cause of the accident and may make any order as he sees fit to remove the cause of any danger and may prohibit any further mining until the order is complied with.

Devolution on death, etc.

102. (1) On the death, bankruptcy, insanity or liquidation of the holder of, or applicant for, a mining tenement, his legal personal representative, receiver, trustee or a liquidator in whom the property of the company of which he is liquidator has been vested, as the case may be, may lodge a devolution in the form No. 28 in the First Schedule with the prescribed fee and an attested or certified copy of the document under which he derives his title.

(2) The death, bankruptcy, insanity or liquidation of the holder of a mining tenement shall be a reason for exemption pursuant to section 102 (3) of the Act.

Unregistered deeds, etc. void as against registered instruments

103. 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 other instrument duly registered.

Time for any act may be extended

104. The time required by these regulations for any act to be done by the applicant for, or holder of, any mining tenement may be extended by the Minister or a warden, as the case requires, for reasonable cause, proof of which lies on the applicant or holder.

Application for copy document

105. Where any instrument of lease or licence or other document issued by the Department is lost, destroyed or obliterated, the person to whom such instrument or document was issued or some other person having knowledge of the facts and circumstances may lodge an application in the form No. 29 in the First Schedule with the prescribed fee for a copy of the instrument or document to be issued, and a certified copy shall be issued.

Register to be kept and copy obtainable

106. (1) There shall be kept at the Department at Perth and at the office of the Mining Registrar a register wherein shall be recorded in relation to each application for a mining tenement—

- (a) those particulars shown on the prescribed form of application;
- (b) the approval of the application and the terms and conditions of that approval, or the refusal or withdrawal thereof as the case may be;
- (c) all rental payments;
- (d) moneys expended or deemed to be expended in mining on or in connection with mining on the tenement;
- (e) particulars of exemptions;
- (f) a memorial of all dealings affecting the tenement;
- (g) the name of the registered holder and the number of shares held;
- (h) the surrender, forfeiture or other cancellation of the tenement; and
- (i) such further matters as the Minister may deem necessary or expedient for the purposes of the Act.

(2) Any person may, on payment of the prescribed fee obtain at the Department at Perth or at the office of the Mining Registrar—

- (a) a copy of the register relating to any mining tenements or application therefor; and
- (b) with the written consent of the registered holder or the applicant, or the approval of the Minister if such consent is not given within 30 days of a written request therefor, a copy of all dealings referred to in subregulation (1) (f).

Amendment of particulars shown in register

107. An application to amend any particulars shown in the register for a mining tenement or application therefor shall be made in the form No. 30 in the First Schedule.

Dating and effect to be given to provisional lodgement

107A. (1) Where an instrument is accepted for provisional lodgement under section 103A (3) of the Act—

- (a) the time and date of lodgement shall be entered in the register as the time and date at which registration was effected but the word “provisional” shall be entered in the register next to the entry specifying that time and date; and
- (b) an authorized officer shall, by notice in writing to the person who lodged the instrument, direct the person to ensure that the error or defect in the instrument is, subject to subregulation (4), corrected on or before the date specified in the notice.

(2) Where a direction is given under subregulation (1) (b) in relation to an instrument—

- (a) if the direction is complied with on or before the date specified in the notice containing the direction, the word “provisional” shall be deleted from the register;
- (b) if the direction is not complied with on or before that date the instrument shall be deemed to have been rejected and the register shall be so endorsed.

(3) If the word “provisional” is entered in the register next to an entry specifying a time and date in relation to a time and date of lodgement of an instrument, the instrument shall be taken not to have been registered but where the word “provisional” is deleted from the register under subregulation (2) (a), the instrument shall be taken to be registered and to have been registered from and including the time and date specified in the register under subregulation (1) (a).

(4) An authorized officer—

- (a) may, for reasonable cause, extend the time for the correction of any error or defect provided the request to extend is made, in writing by or on behalf of the person who lodged the instrument, before the date specified in the notice; and
- (b) shall, by notice in writing to the person who requested the extension, advise whether an extension has been granted.

[Regulation 107A inserted in Gazette 2 October 1987 pp. 3820-21.]

Appointment of attorney

108. A person may appoint an attorney to act for him in dealing with any mining tenement or application therefor by lodging a power of attorney in the form No. 31 in the First Schedule with the prescribed fee.

Fees and rents

109. Fees and rents payable under the Act are prescribed in the Second Schedule.

[Regulation 109 substituted in Gazette 2 October 1987 p. 3821.]

Registration of dealings

110. (1) Unless otherwise provided in the Act or these regulations, all dealings affecting a mining tenement shall be lodged for registration with the prescribed fee, at the office of the Mining Registrar or the Department at Perth.

(2) The registration of all dealing shall be effected at the Department at Perth by an officer acting with the authority of the Minister.

(3) No dealings shall be effectual to pass any estate or interest in a mining tenement or in any way to charge or encumber a mining tenement until registered in accordance with subregulation (2).

[Regulation 110 amended in Gazette 12 November 1982 p. 4491.]

Service of notices

111. (1) Unless otherwise provided in the Act or these regulations, any notice, order, process, or other document, required or authorized under the Act or these regulations, to be given to or served upon any person, may be served—

- (a) by delivering it to such person; or
- (b) by delivering it to some person apparently over the age of 16 years, at the place of abode or business of the party to be served;
- (c) by forwarding it by post in a certified or prepaid registered letter addressed to such person at his last known place of abode or business;
- (d) where the party to be served is working in any mine or other works underground, by delivering it at the mine or works to any person apparently in charge of the mine or works.

(2) Any such notice or other document, if addressed to the owner or occupier of any land, may be served, if there is no person on the premises, by fixing it on some conspicuous part of the premises.

(3) Where the name of the owner or occupier is unknown, the notice may be addressed to those persons by the description of the "owner" or "occupier" of the premises (naming them) in respect of which the notice is given without further name or description.

(4) Where in any case the practice and procedure for service of notices is not sufficiently defined in this regulation, the practice and procedure of Local Courts shall be adopted as far as possible.

Securities

112. For the purposes of section 126 of the Act, a security shall unless otherwise approved by the Minister be in the form No. 32 in the First Schedule and shall be in the following amounts—

- (a) under section 26 of the Act a sum approved by the Minister;
- (b) under section 52 of the Act \$500; and
- (c) under section 60 of the Act \$5 000.

Discharge of security

112A. An application for discharge of a security under section 126 (7) shall be accompanied by—

- (a) a statutory declaration of the person subscribing, stating the extent to which that person has complied with the conditions under which the mining tenement was granted and with the provisions of the Act and regulations and giving details of the nature of that compliance; and
- (b) a map showing—
 - (i) the location of the workings of the person subscribing in relation to the mining tenement;
 - (ii) the boundaries of the workings; and
 - (iii) the access routes to the workings.

[*Regulation 112A inserted in Gazette 2 October 1987 p. 3821.*]

Employees not to use information

113. A person employed by the Department in any capacity who uses for the purpose of personal gain any information that comes to his knowledge in the course of, or by reason of, his employment with the Department commits an offence.

Warden's order not to be disobeyed

114. A person who disobeys a lawful order of a warden or a warden's court commits an offence.

General penalty

115. A person who commits an offence against a regulation for which no penalty is provided elsewhere than in this regulation is liable to a fine not exceeding \$500 and if the offence is a continuing one to a fine not exceeding \$100 for each day or part thereof during which the offence has continued.

PART VI—SURVEYS

[*Part VI substituted in Gazette 30 May 1986 pp. 1840-41.*]

Interpretation in Part VI

116. In this Part, unless the contrary intention appears—

“approved surveyor” means licensed surveyor who is for the time approved under regulation 117;

“licensed surveyor” has the meaning given by section 3 of the *Licensed Surveyors Act 1909*;

“mining survey” means survey required under the Act or these regulations in respect of the boundaries of the area of land to which a tenement relates;

“tenement” means mining tenement or application therefor;

“the Director” means the person for the time being holding or acting in the office of the Director of the Surveys and Mapping Division of the Department under the *Public Service Act 1978*.

[*Regulation 116: See note under Part heading.*]

Approved surveyors

117. (1) The Minister may from time to time—

- (a) approve for the purposes of this Part a person who is a licensed surveyor; and
- (b) on the recommendation of the Director given under subregulation (3), withdraw an approval given under this subregulation.

(2) Subject to the Act and this Part, all mining surveys shall be carried out by approved surveyors in accordance with—

- (a) the *Licensed Surveyors Act 1909* and the *Licensed Surveyors (Guidance of Surveyors) Regulations 1961**; and
- (b) such directions as are from time to time published by the Department for the guidance of approved surveyors.

(3) If, in the opinion of the Director, an approved surveyor has not complied with the requirements of subregulation (2), the Director may recommend to the Minister that the approval of the approved surveyor be withdrawn under subregulation (1).

(4) If an approved surveyor ceases to be a licensed surveyor, his approval is deemed to be withdrawn under subregulation (1) at the time of that cessation.

[**Reprinted in the Gazette of 5 February 1986 at pp. 367-382.*]

[*Regulation 117: See note under Part heading.*]

Initiation of mining surveys

118. The Director shall—

- (a) when a mining survey is ordered to be made under section 47 (1) or 58 (2) (b) of the Act;
- (b) subject to section 80 of the Act, after the lodging of an application for a mining lease;
- (c) subject to section 80, as read with section 90, of the Act, after the lodging of an application for a general purpose lease; or
- (d) when a mining survey is requested by the Minister or a warden for the purpose of determining any matter relating to the boundaries of a tenement,

arrange for a mining survey of the relevant tenement to be made as soon as is practicable by an approved surveyor.

[*Regulation 118: See note under Part heading.*]

Boundary marks to be pointed out

119. When a mining survey is to be carried out, the applicant for or the holder of the tenement concerned who does not make himself or his agent available at a reasonable time in order to point out to the approved surveyor carrying out the mining survey his corner posts and other boundary marks commits an offence.

[*Regulation 119: See note under Part heading.*]

Adjustment of boundaries

120. (1) Subject to this regulation, an approved surveyor shall carry out a mining survey in respect of—

- (a) a tenement other than an exploration licence so as to conform with—
 - (i) the land indicated by the applicant in marking out that tenement; and
 - (ii) the prescribed shape referred to in section 105 (1) of the Act;
 or
- (b) an exploration licence or an application therefor to conform with the substance of the description thereof.

(2) If, in the case of an application for a tenement other than an exploration licence, an adjustment made to achieve conformity under subregulation (1) would affect adjoining interests, the approved surveyor concerned shall survey the relevant tenement as strictly in accordance with its marking out as the circumstances permit.

(3) If an approved surveyor finds that a tenement being surveyed by him encroaches on another tenement having priority in application over the firstmentioned tenement, the approved surveyor shall excise from the area of the firstmentioned tenement the area of that encroachment.

[Regulation 120: See note under Part heading.]

Disputes and objections in mining survey

120A. (1) If a dispute arises during a mining survey concerning the position of pegs or otherwise and the parties to the dispute cannot agree, the approved surveyor concerned shall—

- (a) forthwith report the matter to the Director at Perth; and
- (b) not proceed with the mining survey pending determination of the dispute under subregulation (5).

(2) The Director shall, as soon as is practicable after receiving a report made to him under subregulation (1), refer the matter so reported to him to a mining registrar, together with his own report on that matter for the benefit of the warden.

(3) An objection to a mining survey shall be lodged in form 16 in the First Schedule at the office of a mining registrar, together with the prescribed fee, within a period of 14 days after the day on which survey marking on the ground was completed or such longer period as a warden considers reasonable, but no such objection shall be so lodged after the plan of the mining survey has been approved under the *Licensed Surveyors Act 1909*.

(4) Subject to section 135 of the Act, a dispute or objection referred or lodged under this regulation shall be heard by a warden's court and the mining registrar may for that purpose summon the approved surveyor concerned and all other interested parties to attend and give evidence.

(5) When a warden has heard a dispute or objection under subregulation (4), he shall forward the notes of evidence and his recommendation relating to the dispute or objection to the Minister, who shall determine the dispute or objection.

[Regulation 120A: See note under Part heading.]

Cost of travelling

120B. When an applicant for or the holder of an isolated tenement requests that the relevant mining survey be expedited, that applicant or holder shall pay such contribution as the Director approves towards meeting the cost of any travelling undertaken in order to meet that request.

[Regulation 120B: See note under Part heading.]

Correction of errors or omissions

120C. (1) The Director may request an approved surveyor to correct any errors or omissions in a mining survey carried out by the approved surveyor.

(2) If the approved surveyor to whom a request is made under subregulation (1) does not promptly comply with the request, the Director may request another approved surveyor to correct the errors or omissions concerned.

(3) If a mining survey has not been completed by an approved surveyor in accordance with these regulations or areas have been incorrectly computed, or plans incorrectly drawn, by an approved surveyor, but the Director does not wish to reject the mining survey concerned, the Director may request another approved surveyor to complete that mining survey in accordance with these regulations or to correct the computations or plans concerned, as the case requires.

(4) The cost of correction or completion in compliance with a request made under subregulation (2) or (3) is a debt due to the Minister by the approved surveyor—

- (a) to whom the relevant request was made under subregulation (1); or
- (b) who did not complete a mining survey, or who made incorrect computations or drew incorrect plans, within the meaning of subregulation (2),

as the case requires, and may be recovered from that approved surveyor by the Minister by action in a court of competent jurisdiction.

[Regulation 120C: See note under Part heading.]

Cost of check surveys and of correction of errors to be met by approved surveyors

120D. If an independent check survey requested by the Director within 2 years of the completion of a mining survey shows that unacceptable errors or omissions are present in the mining survey, the cost of that check survey and of correcting those errors or omissions is a debt due to the Minister by the approved surveyor who carried out the mining survey and may be recovered from that approved surveyor by the Minister by action in a court of competent jurisdiction.

[Regulation 120D: See note under Part heading.]

Plans of surveyed tenements to be prepared

120E. An approved surveyor shall cause to be prepared a plan of each tenement surveyed by him together with a report in form 21A set out in the First Schedule.

[Regulation 120E: See note under Part heading.]

PART VII—LEGAL PROCEEDINGS**Proceedings**

121. (1) Except as provided in section 135 of the Act, all civil proceedings in the warden's court shall be commenced by plaint in the form No. 33 in the First Schedule.

(2) Fees payable in respect of such proceedings are respectively set out in the Second Schedule.

Lodgement, withdrawal of plaint

122. (1) Every plaint shall be signed by the plaintiff or his solicitor and lodged with the prescribed fees at the office of the mining registrar.

(2) A plaint shall not be withdrawn or proceedings stayed after a summons has been served without the written consent of the defendant or by leave of the warden.

Issue of summons

123. On receipt of a plaint, the mining registrar shall—

- (a) fix a date and time for hearing in the warden's court being not less than 30 days from the date of lodgement, unless all parties to the action consent to an earlier hearing date;
- (b) advise the plaintiff of the hearing date; and
- (c) issue a summons in the form No. 34 in the First Schedule in duplicate addressed to each defendant and forward it for service to—
 - (i) the plaintiff;
 - (ii) the bailiff of the court; or
 - (iii) if there is no bailiff, to the local police constable or some other suitable person approved by the mining registrar for purposes of regulation 124.

Affidavit of service

124. The person to whom the summonses are delivered shall serve them without delay, and thereupon shall make an affidavit of service, in the form No. 35 in the First Schedule and deliver it to the mining registrar.

Time for service

125. (1) A summons shall be served not less than 14 days before the date fixed for the hearing of the plaint.

(2) Where a summons has not been served within the prescribed time, the warden or mining registrar may, on giving notice to the plaintiff, extend the date of hearing and issue an amended summons.

Notice of defence

126. When the defendant intends to dispute the claim he shall lodge with the mining registrar not less than 7 days before the date fixed for the hearing or at any subsequent time prior to the hearing as the warden may allow a notice of defence in the form No. 36 in the First Schedule with the prescribed fee, and the mining registrar shall forward a copy of the notice to the plaintiff.

Subpoena of witness

127. (1) Each party may procure the attendance of witnesses by means of a subpoena in the form No. 37 in the First Schedule

(2) A witness who attends in answer to a subpoena shall be entitled to the allowances prescribed in the *Local Court Rules 1961*.

(3) A witness is not required to attend unless at the time of the service of the subpoena a reasonable sum as conduct money is tendered to him.

Costs

128. (1) Where the warden's court orders costs to be paid by any party, those costs shall be in accordance with the costs allowed under the *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 1961* 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 \$500.00; and
- (ii) where applicable a refresher fee commensurate with the counsel fee, on brief.

Copy of judgment

129. (1) When the decision of any plaint has been delivered by the warden's court, a judgment in the form No. 38 in the First Schedule may be signed by the warden or mining registrar and filed in the court.

(2) A copy of the judgment shall, on payment of the prescribed fee, be delivered to any person applying for it.

Warrant of execution

130. (1) 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 any property of the party making such default.

(2) The warrant shall be in the form No. 39 in the First Schedule.

(3) The warrant may remain in force for a period of 12 calendar months.

(4) Application for renewal of the warrant 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.

Warrant for recovery of possession

131. A warrant for recovery of possession pursuant to section 141 of the Act shall be in the form No. 40 in the First Schedule.

Notice of seizure

132. On seizure of any mining tenement or interest therein, under a writ of fi. fa. or a warrant issued out of the warden's court or any other court, notice thereof in the form No. 41 in the First Schedule shall be given to the mining registrar with the prescribed fee, and a copy of the writ of fi. fa. or warrant shall be attached to the notice.

Sale under warrant of execution

133. (1) 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 at least 7 days before the day of sale by—

- (a) affixing a notice conspicuously at or near the place where the sale is to take place;
- (b) posting a copy of the notice on the notice board at the office of the mining registrar; and
- (c) advertising particulars of the sale in a newspaper circulating in the district wherein the warden's court is situated.

(2) The sale shall be conducted publicly and everything shall be sold for ready money to the highest bidder.

Transfer upon sale

134. Upon sale under a warrant of execution the officer executing such warrant shall sign a transfer in the form No. 23 in the First Schedule to the purchaser of the mining tenement or interest therein sold under the warrant.

Appeal to Supreme Court

135. An appeal pursuant to section 147 of the Act shall be made in the form No. 42 in the First Schedule.

Injunction

136. An order of the warden's court for an injunction shall be in the form No. 43 in the First Schedule.

FIRST SCHEDULE
Form**Schedule of Forms**

1. Miner's Right.
2. Application for Permit to Enter upon Private Land.
3. Permit to Enter upon Private Land.
- 3A. Claim for compensation and consent for an informal determination by the warden.
4. Instrument of Licence—Prospecting Licence.
5. Report on Operations on Mining Tenement.
6. Instrument of Licence—Exploration Licence.
7. Notification under section 65(3).
8. Instrument of Lease—Mining Lease.
9. Application for extension of term/renewal of a mining tenement.
10. Instrument of Lease—General Purpose Lease.
11. Instrument of Licence—Miscellaneous Licence.
12. Surrender.
13. Notice of Re-Marking.
14. Partial Surrender.
15. Application for Forfeiture.
16. Objection.
17. Application for restoration.
18. Application for Exemption.
19. Certificate of Exemption.
20. Notice of Marking Out.
21. Application for Mining Tenement.
- 21A. Report of approved surveyor.
22. Withdrawal.
23. Transfer.
24. Caveat.
25. Mortgage.
26. Discharge of Mortgage.
27. Monthly Production Report.
28. Devolution.
29. Application for Copy Document.
30. Application to Amend.
31. Power of Attorney.
32. Security.
33. Plaint.
34. Summons.
35. Affidavit of Service.
36. Notice of Defence.
37. Subpoena for Witness.
38. Judgment/Order of Warden's Court.
39. Warrant of Execution.
40. Warrant for Recovery of Possession.
41. Notice of Seizure.
42. Notice of Appeal under section 147.
43. Injunction.

Form No. 1
Western Australia
Mining Act 1978
(Sec. 20 Reg. 3)



MINER'S RIGHT

MINER'S RIGHT

NOT TRANSFERABLE

To whom Issued
.....
Issued to
.....
(Name in Full)

under the provisions of the *Mining Act 1978*.

By whom Issued

Place of Issue

Date of Issue

.....
Signature of Issuing Officer

(note reverse)

Reverse of form

NOTE: This miner's right is issued under section 20 of the *Mining Act 1978*. It is your responsibility to ascertain your rights and obligations under that section. Information in respect of those rights and obligations may be obtained from any office of the Department of Mines.

Form 2 WESTERN AUSTRALIA
Mining Act 1978
(Sec. 30 Reg. 5)

**APPLICATION FOR PERMIT TO ENTER
UPON PRIVATE LAND**

No.

To: The Warden,

(a) Mineral Field (a) Mineral Field

The undersigned hereby makes application for a permit to enter upon

(b) Set out particulars of the land, location or Lot numbers, etc. to be stated (b)

* Map to be attached. as delineated on the *attached map, for the purpose of

(c) State whether the application is for the purpose of searching for minerals or to mark out a mining tenement and the type of such tenement (c)

(d) Full name and address of applicant (d)

DATED this _____ day of _____ 19 _____

(e) Signature of applicant (e)

OFFICE USE		Received atm. on..... with fee of \$ (Mining Registrar)		
---------------	--	---	--	--

Form 3 WESTERN AUSTRALIA
Mining Act 1978
(Sec. 30 Reg. 6)

PERMIT TO ENTER UPON PRIVATE LAND

No.

Pursuant to the provisions of the *Mining Act 1978*.

(a) Full name and address of permit holder

(a)

the holder of this permit or his duly authorized agent is hereby authorized to enter upon

(b) Set out particulars of the land

(b)

subject to—

(c) Conditions, if any

(c)

This permit EXPIRES on the _____ day of _____ 19____ but if the holder of the permit marks out and applies for a mining tenement of any part of the land described in paragraph (b), the permit is deemed to continue in force for the purpose only of repairing or maintaining the marks so set up and the notices posted thereon, until such time as the application for the mining tenement is determined.

DATED at _____ this _____ day of _____ 19____

.....Warden

.....Mineral Field

The holder of a permit under Section 30 of the *Mining Act 1978*, or his duly authorized agent is authorized during the currency of the permit—

- (a) to enter upon and remain on the surface of the private land to which the permit relates;
- (b) to search thereon for any mineral and detach one or more samples of any vein or lode outcropping on the surface thereof not exceeding in the aggregate 13 kilograms and to take therefrom such other samples as may be agreed by the owner or, where the owner is not in occupation of the private land, the occupier of the private land; and
- (c) to remove from the private land such samples for the purpose of assaying or testing the value thereof, and to mark out a mining tenement with respect to that land or any part thereof,

but the holder or his duly authorized agent shall not carry out any other mining operations on or otherwise disturb the surface of the land.

The holder of a permit is liable to pay compensation for any loss or damage arising from any entry upon the land effected in pursuance of this permit.

Form 3A WESTERN AUSTRALIA
Mining Act 1978
 (Sec. 123(3)(a), Reg. 10A)

**CLAIM FOR COMPENSATION AND CONSENT FOR AN
 INFORMAL DETERMINATION BY THE WARDEN**

	No.
(a) State whether pastoral lease, Crown grant or other designation	Details of land affected (a) (b) (c)
(b) Number of lease lot, reserve etc.	
(c) Name of property (if applicable)	
(d) Full name and address of owner of land	Owner and Occupier (d) (e)
(e) Full name and address of occupier (if applicable)	
(f) Brief details of loss or damage claimed	(f)

(g) Here state owner, or owner and occupier, or occupier (as applicable) WE, the undersigned, being the (g)
 (h) Full name of person liable for compensation of the land referred to above and (h)
 (i) Full address of person liable for compensation of (i)
 acknowledge that the claimant is entitled to compensation for loss or damages resulting from mining and that an agreement as to the amount of such compensation has not been reached. The parties herein therefore consent to a determination of the amount of compensation being made by the warden in accordance with section 123, (3)(a)

(j) Signature of owner of land	(j)	Received aton (Mining Registrar)
(k) Signature of occupier of land	(k)	
(l) Signature of person liable for compensation	(l)	

(NOTE: The owner or occupier of the land will be required to produce proof of ownership or right of occupancy of the land, either by producing the title, a recent title search, or the document/s under which his rights are confirmed.)

Form 4
Instrument
of Licence

WESTERN AUSTRALIA
Mining Act 1978
(Sec. 116 Reg. 13)

PROSPECTING LICENCE No.

(a) Name and address of
holder and number of
shares

(a)

is/are subject to the provisions of the *Mining Act 1978* and to the conditions stated in the Schedule hereunder, authorized in accordance with section 48 of the Act to prospect the land the subject of this licence situated at

(b) Locality

(b)

in the

(c) Mineral Field

(c)

Mineral Field

containing approximately

(d) Area

(d)

hectares

for a term of 2 years commencing on the date of grant of the licence.

(e) Date Licence granted

(e)

(f) Shire

(f)

(g) Plan

(g)

.....
Mining Registrar

NOTE

In addition to any specific conditions that are endorsed on this instrument, the holder in exercising the rights granted herein must first ensure that the necessary consents and permission have been obtained and compensation has been agreed to or determined in respect to certain Crown land, Public Reserves, etc., private land and where the lawful rights of other land users are concerned.

For schedule of endorsements/conditions see reverse of form.

Reverse of form

Schedule of Endorsement/Conditions:

Form 5 WESTERN AUSTRALIA
Mining Act 1978
(Secs. 51, 68 & 82
Regs. 16, 22 & 32)

REPORT ON OPERATIONS ON MINING TENEMENT

(To be completed in accordance with the instructions on the reverse hereof)

Tick box
applicable

Annual Final Surrender, Report for the

Period from _____ to _____

Details of Mining Tenement:

Type _____ Number _____

SUMMARY OF OPERATIONS AND EXPENDITURE:

General Prospecting: (Specify: Costeaning No; Metal detecting man days; Sampling No; etc)

Costs \$ _____

Remote Sensing & Airborne Surveys: (Specify: Photography; Surveys Line kms; etc)

Costs \$ _____

Ground Surveys: (Specify: Type, Line kms; etc)

Costs \$ _____

Drilling: (Specify: Type, No. of holes, Metres; etc)

Costs \$ _____

Mining or Development: (Specify: Development; Tonnes mined; etc)

Costs \$ _____

Overheads: (Specify: Report preparation; Office studies; etc)

Costs \$ _____

Other Costs: (Specify: Labour own/hired; Plant hire; Transportation, Construction, Fuel; etc)

Costs \$ _____

TOTAL EXPENDITURE \$ _____

Brief
summary of
operations
for each if
applicable

Note: A copy of this page of the report may be obtained by any person on the payment of the prescribed fee—Regulation 96(2)

REPORT ON OPERATIONS ON MINING TENEMENT

Form 5

Full name and address of holder

Holder/s	
----------	--

List here the detailed reports attached

Attached Reports

I certify that the information supplied in this report is a true statement of the operations carried out and moneys expended on the abovementioned mining tenement during the period specified as required under the *Mining Act 1978* and the regulations thereunder.

DATED this _____ day of _____ 19 _____

Signature of holder or agent

O F F I C E U S E		This Report received atm. on by	
---	--	--	--

Reverse of form

INSTRUCTIONS:

1. Reports shall be lodged at the Head office of the Department of Mines at 100 Plain Street, Perth, W.A. 6000.
2. Page one of the report shall be completed to indicate:
 - (i) the type of report;
—whether annual, final, (forfeiture), or surrender including partial surrender;
 - (ii) the period from which the report covers;
—from the anniversary date to the anniversary date, anniversary date to the final (death) date, anniversary date to the surrender date etc;
 - (iii) the type and number of mining tenement affected;
—whether a prospecting licence, exploration licence, mining lease etc., and number;
 - (iv) the nature of operations carried out during the period of the report (short summary only);
—it may be necessary to complete more than one heading;
 - (v) the expenditure incurred for each type of operation together with the total amount expended on the mining tenement.
3. All attached reports shall:
 - (a) Be in a form suitable for microfilming, and
 - (b) Where applicable include the following—
 - (i) methods of exploration;
 - (ii) a complete record for all geological, geophysical, geochemical and other technical investigations carried out by or on behalf of the tenement holder;
 - (iii) a complete record of all drill holes and excavations;
 - (iv) details of the nature of material tested and all assay results;
 - (v) a summary of reserves in a form as recommended by the AIMM;
 - (vi) tonnage, grade and value of any ore mined;
 - (vii) statement of expenditure; and
 - (viii) details of any amount claimed in lieu of wages.
4. All attached reports shall include a title, name of joint holder responsible for operations on the tenement, tenement information, date and a complete table of contents.
5. All maps and sections shall be related to the Australian Map Grid or to known surveyed points.

Form 6
Instrument
of Licence

WESTERN AUSTRALIA
Mining Act 1978

(Sec. 116 Reg. 19)

EXPLORATION LICENCE

- | | | |
|---|------------|--|
| (a) Name and address of holder and number of shares | No.
(a) | |
| | | is/are subject to the provisions of the <i>Mining Act 1978</i> and to the conditions stated in the Schedule hereunder, authorized in accordance with section 66 of the Act to explore the land the subject of this licence situated at |
| (b) Locality | (b) | in the |
| (c) Mineral Field | (c) | Mineral Field |
| (d) Area | (d) | containing approximately
square kilometres
for a term of 5 years commencing on the date of grant of the licence. |
| (e) Date Licence granted | (e) | |
| (f) Shire | (f) | |
| (g) Plan | (g) | |

.....
Mining Registrar

NOTE

In addition to any specific conditions that are endorsed on this instrument, the holder in exercising the rights granted herein must first ensure that the necessary consents and permission have been obtained and compensation has been agreed to or determined in respect to certain Crown Land, Public Reserves, etc., private land and where the lawful rights of other land users are concerned.

For Schedule of endorsements/conditions see reverse of form.

Reverse of form

Schedule of Endorsements/Conditions

Form 7

WESTERN AUSTRALIA
Mining Act 1978
(Sec. 65 Reg. 23)

NOTIFICATION UNDER SECTION 65(3)

TO: DIRECTOR GENERAL OF MINES

(a) Number (b) Mineral Field (c) Date term commenced (d) Present area	Details of Exploration Licence	
	(a)	(b)
	(c)	(d)
	Holder	
(e) Full name and address of holder	(e)	
(f) Description of boundaries of land for each discrete area	Land to remain subject to Licence	
	(f)	
(g) Area	(g)	

Map to be attached

The attached map shows the land described in (f) above in relation to the boundaries of the area subject to the licence at this date.

DATED this _____ day of _____ 19____

(h) Signature of holder (h).....

Note: This form is a notification only and any surrender of land required under Section 65(1) of the Act must be lodged separately.

O u l l - C u r r e n t		This notification received	
		at	
		on	
		by	

Form 8
Instrument of Lease

WESTERN AUSTRALIA
Mining Act 1978
(Sec. 116, Reg. 26)

MINING LEASE No.

The Minister a corporation sole established by the *Mining Act 1978* in consideration of the rents hereinafter reserved and of the covenants on the part of the Lessee described in the First Schedule to this lease and of the conditions hereinafter contained and pursuant to the *Mining Act 1978* hereby leases to the Lessee the land more particularly delineated and described in the Second Schedule to this lease subject however to the exceptions and reservations if any set out in the Third Schedule to this lease and to any other exceptions and reservations which are by the *Mining Act 1978* and by any Act for the time being in force deemed to be contained herein to hold to the Lessee in the shares set out in the First Schedule to this lease for a term of 21 years commencing on the date set out in the Fourth Schedule to this lease upon and subject to such of the provisions of the *Mining Act 1978* as are applicable to mining leases granted thereunder and to the covenants and conditions hereinafter contained or implied herein the Lessee paying therefor the rents and royalties for the time being and from time to time respectively prescribed pursuant to the provisions of the *Mining Act 1978* at the times and in the manner so prescribed

AND it is hereby agreed and declared that unless the Lessee shall at all times duly and punctually perform and observe the covenants and conditions hereinafter contained or implied herein this lease shall be liable to forfeiture and may be forfeited by the Minister pursuant to the powers in that behalf conferred by the *Mining Act 1978* provided that the Minister may as he thinks fit impose on the Lessee a penalty not exceeding \$1 000 as an alternative to forfeiture of this lease. The covenants and conditions hereinbefore referred to are that the Lessee shall—

1. pay the rents and royalties due under this lease at the prescribed time and in the prescribed manner
2. use the land in respect of which this lease is granted only for mining purposes in accordance with the *Mining Act 1978*
3. comply with the prescribed expenditure conditions applicable to such land unless partial or total exemption therefrom is granted in such manner as is prescribed
4. not assign, underlet or part with possession of such land or any part thereof without the prior written consent of the Minister, or of an officer of the Department acting with the authority of the Minister
5. lodge with the Department at Perth such periodical reports and returns as may be prescribed
6. promptly report in writing to the Minister details of all minerals of economic significance discovered in, on or under the land the subject of this lease
7. duly and punctually observe and perform all other provisions of the *Mining Act 1978* and of any other Act for the time being in force applicable or relating to the Lessee or this lease or the land the subject of this lease
8. if any mineral is specified in the Fifth Schedule to this lease, be authorized by this lease to mine on or under or both and remove from the land the subject of this lease only the mineral so specified
9. duly and punctually perform and observe the further conditions or stipulations if any set out in the Sixth Schedule to this lease as well as any condition which may hereafter be imposed by the Minister pursuant to Section 84 of the *Mining Act 1978*
10. cause all holes, pits, trenches and other disturbances to the surface of the land and subject of this lease made whilst mining and which in the opinion of the State Mining Engineer are likely to endanger the safety of any person or animal to be filled in or otherwise made safe to the satisfaction of the State Mining Engineer.

In this lease: "Lessee" includes the executors administrators and permitted assigns of the Lessee or if the Lessee be more than one the respective executors administrators and permitted assigns of each Lessee or in the case of a Lessee which is a corporation the successors and permitted assigns of that Lessee.

If the Lessee be more than one the liability of the Lessee hereunder shall be joint and several.

Reference to an Act includes all amendments to that Act and to any Act passed in substitution therefor or in lieu thereof and to the regulations and by laws for the time being in force thereunder.

FIRST SCHEDULE

(The name address and description of the Lessee and the shares in which the lease is held.)

SECOND SCHEDULE

(Description of Land:)

Locality:

Mineral Field:

Area, etc.:

Being the land delineated on Survey Diagram No.
recorded in the Department of Mines, Perth.

and

THIRD SCHEDULE

All petroleum as defined in the *Petroleum Act 1967* on or below the surface of the land the subject of this lease is reserved to the Crown in right of the State of Western Australia with the right of the Crown in right of the State of Western Australia and any person lawfully claiming thereunder or otherwise authorized to do so to have access to the land the subject of this lease for the purpose of searching for and for the operations of obtaining petroleum (as so defined) in any part of the land.

FOURTH SCHEDULE

Date of Commencement of the lease.

FIFTH SCHEDULE

If applicable minerals to be specified.

SIXTH SCHEDULE

Any further endorsements/conditions or stipulations.

NOTE

In addition to any specific conditions that are endorsed on this instrument, the holder in exercising the rights granted herein must first ensure that the necessary consents and permission have been obtained and compensation has been agreed to or determined in respect to certain Crown Land, Public Reserves, etc., private land and where the lawful rights of other land users are concerned.

IN witness whereof the Minister has affixed his seal
and set his hand hereto

this..... day of..... 19.....

MINISTER

Form 9 WESTERN AUSTRALIA
Mining Act 1978
 (Secs. 45, 61, 78, 88, 91)
 (Regs. 16A, 23A, 29, 36A, 42A)

**APPLICATION FOR EXTENSION OF
 TERM/RENEWAL OF A MINING
 TENEMENT**

No.

(a) Type of Tenement	Details of mining tenement (a) _____ (b) _____ (c) _____ (d) _____
(b) Number	
(c) Mineral field	
(d) Expiry date	
(e) Full name and address of holder(s)	Holder (e) _____ _____ _____

THE HOLDER of the abovementioned mining tenement hereby applies for extension/renewal thereof for a further period of _____ years.

DATED THIS _____ day of _____ 19 _____

(f) Signature of holder or agent Signed (f)

O F F I C E U S E	Received atm. on together with rent of \$ for the year ending/...../..... (Mining Registrar)
---	---

- NOTES: 1. This application is to be accompanied by the lease instrument or licence document, as applicable.
2. Reporting obligations under the regulations must be complied with to enable consideration of this application.
3. If this application is for an extension of an exploration licence a detailed report of the exceptional circumstances giving rise to the application, a summary of work already carried out under the licence and a detailed programme of work proposed to be carried out under the licence must be attached.

Form 10
INSTRUMENT OF LEASE

WESTERN AUSTRALIA
Mining Act 1978
(Sec. 116, Reg. 35)

GENERAL PURPOSE LEASE No.

The Minister a corporation sole established by the *Mining Act 1978* in consideration of the rents hereinafter reserved and of the covenants on the part of the Lessee described in the First Schedule to this lease and of the conditions hereinafter contained and pursuant to the *Mining Act 1978* hereby leases to the Lessee for the purpose set out in the Second Schedule to this lease the land more particularly delineated and described in the Third Schedule to this lease subject however to the exceptions and reservations if any set out in the Fourth Schedule to this lease and to any other exceptions and reservations which are by the *Mining Act 1978* and by any Act for the time being in force deemed to be contained herein to hold to the Lessee in the shares set out in the First Schedule to this lease for a term specified in the Fifth Schedule to this lease and commencing on the date set out in the Sixth Schedule to this lease upon and subject to such of the provisions of the *Mining Act 1978* as are applicable to general purpose leases granted thereunder and to the covenants and conditions hereinafter contained or implied herein the Lessee paying therefor the rents and royalties for the time being and from time to time respectively prescribed pursuant to the provisions of the *Mining Act 1978* at the times and in the manner so prescribed

AND it is hereby agreed and declared that unless the Lessee shall at all times duly and punctually perform and observe the covenants and conditions hereinafter contained or implied herein this lease shall be liable to forfeiture and may be forfeited by the Minister pursuant to the powers in that behalf conferred by the *Mining Act 1978*. The covenants and conditions hereinbefore referred to are that the Lessee shall—

1. pay the rents due under this lease at the prescribed time and in the prescribed manner
2. use the land in respect of which this lease is granted solely for the purpose set out in the Second Schedule to this lease
3. not assign, underlet or part with possession of such land or any part thereof without the prior written consent of the Minister, or of an officer of the Department acting with the authority of the Minister
4. lodge with the Department at Perth such periodical reports as are approved by the Director General of Mines as being required in respect of a general purpose lease
5. promptly report in writing to the Minister details of all minerals of economic significance discovered in, on or under the land the subject of this lease
6. duly and punctually observe and perform all other provisions of the *Mining Act 1978* and of any other Act for the time being in force applicable or relating to the Lessee or this lease or the land the subject of this lease
7. duly and punctually perform and observe the further conditions or stipulations if any set out in the Seventh Schedule to this lease as well as any condition which may hereafter be imposed by the Minister pursuant to section 84 of the *Mining Act 1978*.

In this lease: "Lessee" includes the executors administrators and permitted assigns of the Lessee or if the Lessee be more than one the respective executors administrators and permitted assigns of each Lessee or in the case of a Lessee which is a corporation the successors and permitted assigns of that Lessee.

If the Lessee be more than one the liability of the Lessee hereunder shall be joint and several.

Reference to an Act includes all amendments to that Act and to any Act passed in substitution therefor or in lieu thereof and to the regulations and by laws for the time being in force thereunder.

FIRST SCHEDULE

(The name address and description of the Lessee and the shares in which the lease is held.)

SECOND SCHEDULE

(Here set out such of the purposes referred to in section 87(1) of the *Mining Act 1978* as this lease is to be granted for.)

THIRD SCHEDULE

(Description of Land:)

Locality:

Mineral Field:

Area, etc.:

Being the land delineated on Survey Diagram No.
recorded in the Department of Mines, Perth.

and

FOURTH SCHEDULE

All petroleum as defined in the *Petroleum Act 1967* on or below the surface of the land the subject of this lease is reserved to the Crown in right of the State of Western Australia with the right of the Crown in right of the State of Western Australia and any person lawfully claiming thereunder or otherwise authorized to do so to have access to the land the subject of this lease for the purpose of searching for and for the operations of obtaining petroleum (as so defined) in any part of the land.

FIFTH SCHEDULE

The term of the lease is

SIXTH SCHEDULE

Date of commencement of the lease is

SIXTH SCHEDULE

Any further endorsements/conditions or stipulations

NOTE

In addition to any specific conditions that are endorsed on this instrument, the holder in exercising the rights granted herein must first ensure that the necessary consents and permission have been obtained and compensation has been agreed to or determined in respect to certain Crown land, Public Reserves, etc., private land and where the lawful rights of other land users are concerned.

IN witness whereof the Minister has affixed his seal and set his hand hereto this day of 19.....

MINISTER

Form 11
Instrument
of Licence

WESTERN AUSTRALIA
Mining Act 1978
(Sec. 116 Reg. 42)

MISCELLANEOUS LICENCE

	No.
(a) Name and address of holder and number of shares	(a)
(b) Purpose of Licence	(b)
(c) Locality	(c)
(d) Mineral Field	(d)
(e) Area	(e)
(f) Date Licence granted	(f)
(g) Shire	(g)
(h) Plan	(h)

is/are subject to the provisions of the *Mining Act 1978* and to the conditions stated in the Schedule hereunder, authorized in accordance with section 94 of the Act to:

situated at _____ in the _____ Mineral Field and containing approximately _____ hectares for a term of 5 years commencing on the date of grant of the licence

.....
Mining Registrar

NOTE

In addition to any specific conditions that are endorsed on this instrument, the holder in exercising the rights granted herein must first ensure that the necessary consents and permission have been obtained and compensation has been agreed to or determined in respect to certain Crown land, Public Reserves etc., private land and where the lawful rights of other land users are concerned.

For Schedule of Endorsements/Conditions see reverse of form.

Reverse of form

Schedule of Endorsements/Conditions:

Form 12

WESTERN AUSTRALIA
Mining Act 1978
(Sec. 95 Reg. 43)

SURRENDER

(a) Type (b) Number (c) Mineral Field	Details of Mining Tenement	
	(a)	(b)
	(c)	
(d) Full name and address of each holder	Holder	
	(d)	

THE HOLDER of the abovementioned mining tenement hereby applies to surrender all right title and interest therein.

*If the surrender is a conditional one, add "conditionally on application for being granted"

DATED this _____ day of _____ 19____

(e) Signature of holder (f) Signature of witness	Holders sign here	in the presence of	Witnesses sign here
	(e)	(f)

LODGING PARTY

(g) Full name and address (for return of documents)
(g)

O F F I C E		Received at.....m. on (Mining Registrar)	
----------------------------	--	---	--

NOTICE OF RE-MARKING

(to be fixed to Datum Post of retained portion)

	Details of Mining Tenement	
(a) Type	(a)	(b)
(b) Number		
(c) Mineral Field	(c)	

	Holder
(d) Full name and address of holder	(d)

The abovementioned mining tenement has been re-marked for the purpose of a surrender of part of the tenement under the provisions of the *Mining Act 1978*. The following is a description of the retained portion—

	Portion Retained
(e) Describe boundaries of retained portion	(e)
(f) Area of retained portion	(f)

(g) Date and time of re-marking (g)

(h) Signature of holder (h).....

PARTIAL SURRENDER

(This form must be accompanied by a map clearly delineating the portion of the tenement being (i) surrendered; and (ii) retained)

(a) Type (b) Number (c) Mineral Field	Details of Mining Tenement	
	(a)	(b)
	(c)	

(d) Full name and address of each holder	Holder
(d)	

THE HOLDER of the abovementioned mining tenement hereby applies to surrender all right title and interest in that portion described hereunder.

*If the surrender one, add "conditionally on application for being granted"

(e) Describe the boundaries of the portion being surrendered	PORTION BEING SURRENDERED	
	(e)	
		Area (ha/km ²)

DATED this _____ day of _____, 19__

(f) Signature of holder (g) Signature of witness	Holders sign here	in the presence of	Witnesses sign here /
 (f) (g)

LODGING PARTY (h) Full name and address (for return of documents) (h)	(h)
---	-----

OFFICE USE		Received at.....m.	
		on	
		with fee of \$.....	
	 (Mining Registrar)	

APPLICATION FOR FORFEITURE

To the Warden,

Mineral Field

Application is made for forfeiture of the mining tenement/s referred to in Column 1 hereunder for the breach of condition stated opposite in Column 2 or 3—

Column 1 Mining Tenement	Column 2 Failure to pay rental		Column 3 Other Breach
	Amount	Date Due	

DATED this _____ day of _____ 19_____

.....
Mining Registrar

To the Mining Registrar,

The date on which I intend to hear an application for forfeiture is/...../.....

In accordance with regulations 49 and 53 of the *Mining Regulations 1981*—

- (a) notify the holder by post
- (b) notify any registered mortgagee
- (c) post a notice on your notice board
- (d) publish a notice in the *Government Gazette*

.....
Warden

Form 16 WESTERN AUSTRALIA
Mining Act 1978
 (Secs. 42, 59, 75, 97A Regs. 49, 51B, 55, 67, 120A)

OBJECTION No.

To: The Warden

(a) Mineral Field (a) Mineral Field

The undersigned objects to

(b) Insert particulars of matter objected to and mining tenement affected (b)
 for the following reasons—

(c) Set out grounds for objection (c)
 And pending the hearing of this objection, require you to

(d) "Withhold your recommendation" OR as the case may be (d)

(e) Full name and address of objector (e)

DATED this _____ day of _____ 19____

(f) Signature of objector or agent (f)

OFFICE MOC	This objection will be heard in the Warden's Court at _____ at _____	
	the hour of _____ .m. on the _____ day of _____ 19____	
	Received at	
	on	
	with fee of \$.....	
 (Mining Registrar)	

Form 17

WESTERN AUSTRALIA
 Mining Act 1978
 (s. 97A Regs. 51, 51A)

APPLICATION FOR RESTORATION No.

(a) Type (b) Number (c) Mineral field	Details of Mining Tenement (a) _____ (b) _____ (c) _____
(d) Full name and address of each applicant	Applicant (d) _____ _____ _____
(e) Reason for forfeiture (f) Date of forfeiture (g) _____	Application made for the restoration of the abovementioned mining tenement which was forfeited for the following reason— (e) _____ on the (f) _____ This application is made on the following grounds— (g) _____
(h) Signature of applicant	DATED this day of 19..... (h).....

O F F I C E U S E	A NOTICE OF OBJECTION to this application may be lodged at the Mining Registrar's office at..... on or before the..... day of..... 19..... and the hearing will take place on the..... day of..... 19.....	
	Received atm on..... with fee of \$ together with the outstanding rent of for the period ending.....	Receipt No.
..... (Mining Registrar)		

Form 18

WESTERN AUSTRALIA :
Mining Act 1978
(Sec. 102 Reg. 54)

APPLICATION FOR EXEMPTION

No. _____

(a) Type (b) Number (c) Mineral Field	Details of Mining Tenement (a) _____ (b) _____ (c) _____
(d) Full name and address of each holder	Holder (d) _____
(e) Amount of expenditure for which exemption is sought (f) Fraction of annual expenditure condition (g) Expiry date of period to which exemption relates (h) Reasons for exemption	Exemption Details (e) (\$) _____ (f) /12ths _____ (g)19..... (h) _____

APPLICATION is made for exemption from the expenditure conditions applicable to the abovementioned mining tenement.
 DATED this _____ day of _____ 19 _____

(i) Signature of holder or authorized agent (i).....

O F F I C E U S E	OBJECTIONS to this application may be lodged at the Mining Registrar's office at..... on or before the..... day of 19..... and the hearing will take place on the..... day of 19.....	
		Received atm on with fee of \$ (Mining Registrar)

Form 19

WESTERN AUSTRALIA
Mining Act 1976
(Secs. 102 and 102A, Reg. 58)

CERTIFICATE OF EXEMPTION

No.

This is to certify that the holder of

(a) Type of tenement (a)
Number and
Mineral Field

has been granted exemption from expenditure of—

(b) Amount of
Exemption

(b) (\$)
for the abovementioned mining tenement during the year/s of the term of the tenement ending
on—

(c) Expiry
date of year/s
to which
exemption
relates

(c)

on the following terms and condtions:

(d) Conditions,
if any

(d)

DATED this _____ day of _____, 19

..... Mining Registrar

..... Mineral Field

Form 20

WESTERN AUSTRALIA
Mining Act 1978
(Sec. 105 Reg. 59)

NOTICE OF MARKING OUT

(To be fixed to Datum Post to complete marking out)

NOTICE IS given that

(a) Full name
and address
of applicant

(a)

has marked out this land under the provisions of the *Mining Act 1978* as a

(b) Type of
tenement

(b)

and the following is a description of the boundaries thereof—

(c) Description of
boundaries

(c)

(d) Approximate
area
(ha/km²)

(d)

Marking out was completed by fixing this notice at

(e) Time and date
marking out
completed

(e)

. m. on the . day of

19 .

(f) Signature
of applicant
or agent

(f)

Form 21

WESTERN AUSTRALIA
Mining Act 1978
(Secs. 41, 58, 74, 86, 91 Reg. 64)

APPLICATION FOR MINING TENEMENT

<p>(a) Type of tenement</p> <p>(b) Time & Date marked out (where applicable)</p> <p>(c) Mineral Field</p> <p>APPLICANT:</p> <p>(d) Full name } for each</p> <p>(e) Address } applicant</p> <p>(f) No. of shares }</p> <p>(g) Total No. of shares</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%; height: 20px;">(a)</td> <td style="width: 30%;">No...../.....</td> </tr> <tr> <td colspan="2" style="height: 20px;">(b) a.m./p.m. / / (c)</td> </tr> <tr> <td style="height: 20px;">(d) & (e)</td> <td style="text-align: right;">(f) Shares</td> </tr> <tr> <td style="height: 20px;">.....</td> <td></td> </tr> <tr> <td style="height: 20px;">.....</td> <td></td> </tr> <tr> <td style="height: 20px;">.....</td> <td></td> </tr> <tr> <td style="height: 20px;">.....</td> <td></td> </tr> <tr> <td style="height: 20px;">.....</td> <td></td> </tr> <tr> <td style="height: 20px;">.....</td> <td></td> </tr> <tr> <td style="height: 20px;">.....</td> <td></td> </tr> <tr> <td style="height: 20px;">.....</td> <td></td> </tr> <tr> <td style="height: 20px;">.....</td> <td style="text-align: right;">(g) Total</td> </tr> </table> <p>DESCRIPTION OF GROUND APPLIED FOR:</p> <p>(h) Locality</p> <p>(i) Datum Peg or Starting Point</p> <p>(j) Boundaries</p> <p>(k) Area (ha or km²)</p> <p>(l) Signature of applicant or agent</p> <p style="text-align: right;">(l) DATE.....</p>	(a)	No...../.....	(b) a.m./p.m. / / (c)		(d) & (e)	(f) Shares	(g) Total
(a)	No...../.....																								
(b) a.m./p.m. / / (c)																									
(d) & (e)	(f) Shares																								
.....																									
.....																									
.....																									
.....																									
.....																									
.....																									
.....																									
.....																									
.....	(g) Total																								

OBJECTIONS to this application may be lodged at the Mining Registrar's office at on or before the..... day of 19..... and the hearing will take place on the..... day of 19.....				
O F F I C E U S E	FEES PAID Application Rent Survey Fee TOTAL	\$	c	Receipt No: SHIRE: Map Ref. Plan..... Scale
	Received atm. on (Mining Registrar)			

NOTES

This application shall be accompanied by a map on which are clearly delineated the boundaries of the area applied for.

An application for an Exploration Licence shall be accompanied by a statement specifying method of exploration, details of the proposed work programme, estimated cost of exploration and technical and financial ability of the applicant(s)—section 58(1)(b).

Form 21A

WESTERN AUSTRALIA
 MINING ACT 1978
 Regulation 120E
REPORT OF APPROVED SURVEYOR
 (To be lodged for each tenement surveyed)

Tenement type	Tenement number	Holder/ Applicant	Date of marking
------------------	--------------------	----------------------	--------------------

I have surveyed this tenement in accordance with the regulations. The area surveyed is in accordance with the applicant's marking. The applicant has signified to me his satisfaction with the survey.

There are no encroachments or unlawful interferences evident on survey. Other land tenures have been located and/or shown on my plan.

(Amend or augment as necessary).

.....
 Approved surveyor.

...../...../19.....

WITHDRAWAL

(a) Type (b) Number (c) Mineral Field	Details of Mining Tenement application	
	(a)	(b)
	(c)	

(d) Full name and address of each applicant	Applicant
	(d)

THE APPLICANT hereby applies to WITHDRAW the abovementioned application.

DATED this _____ day of _____ 19_____

(e) Signature of applicant (f) Signature of witness	Applicants sign here	in the presence of	Witnesses sign here
	(e)		(f)

LODGING PARTY	(g)
(g) Full name and address (for return of documents)	

O U T P U T M I N I S T R Y	Received at.....m.
	on
 (Mining Registrar)

STAMP DUTY

TRANSFER No.

INTEREST BEING TRANSFERRED

- (a) Type of tenement
- (b) Number
- (c) Mineral Field
- (d) Number of shares

Details of Mining Tenement and Interest	
(a)	(b)
(c)	(d)

TRANSFEROR

- (e) Full name and address

(e)

CONSIDERATION

- (f) In words—
see Note 1

(f)

TRANSFeree

- (g) Full name and address

(g)

THE TRANSFEROR for the consideration expressed HEREBY TRANSFERS TO THE TRANSFeree the interest specified in the abovementioned mining tenement, and the TRANSFeree accepts the said interest subject to all the terms and conditions under which it is now held.

DATED this _____ day of _____, 19__

- (h) Signature of transferor
- (i) Signature of transferee
- (j) Signature of witness

<p>TRANSFERORS sign here</p> <p>Signed (h)</p> <p>in the presence of (j)</p> <p>Signed (h)</p> <p>in the presence of (j)</p> <p>Signed (h)</p> <p>in the presence of (j)</p>	<p>TRANSFereES sign here</p> <p>Signed (i)</p> <p>in the presence of (j)</p> <p>Signed (i)</p> <p>in the presence of (j)</p> <p>Signed (i)</p> <p>in the presence of (j)</p>
---	---

LODGING PARTY

- (k) Full name and address (for return of documents)

(k)

OFFICE USE		Received atm. on..... with fee of \$..... (Mining Registrar)	
------------	--	--	--

NOTE 1: Where the stamp duty shown on the transfer is not in respect to the full amount of the consideration stated then the documents indicating the full stamp duty must accompany the transfer.

Form 24

WESTERN AUSTRALIA
Mining Act 1978
(Sec. 121 Reg. 76)

CAVEAT No.

(a) Type (b) Number (c) Mineral Field	Details of Mining Tenement	
	(a)	(b)
	(c)	

(d) Specify "the whole" or the number of shares being caveated (e) Full name of holder of shares being caveated	Interest being caveated	
	(d)	(e)

(f) Full name and address of caveator	Caveator	
	(f)	

THE CAVEATOR claims an interest as specified in the abovementioned mining tenement BY VIRTUE OF

(g) Specify the grounds on which the claim is made See Note 1	(g)	
	and whilst this caveat remains in force FORBIDS the registration of any transfer or other instrument affecting such tenement or interest and appoints	
(h) Address for service of notices	(h)	

as the place at which notices and proceedings relating to this caveat may be served.

DATED this _____ day of _____ 19____

(i) Signature of caveator (j) Signature of witness	Caveator or agent signs here	Witness signs here
	Signed (i)..... in the presence of (j).....	

LODGING PARTY (k) Full name and address (for return of documents)	(k)	
--	-----	--

OFFICIAL USE		Received at	
		on	
		with fee of \$.....	
		
		(Mining Registrar)	

Note 1: If the caveat is lodged pursuant to section 122(2) of the Act the term of the caveat must be stated and a copy of the agreement attached.

Form 25

WESTERN AUSTRALIA
Mining Act 1978
(Reg. 77)

STAMP DUTY

MORTGAGE

No.

DETAILS OF
TENEMENTS BEING
MORTGAGED.
State Type, Number
and Mineral Field

[Empty box for details of tenements being mortgaged]

INTEREST BEING
MORTGAGED.
State whether the
whole of the shares
in the above
tenement or some
lesser interest

[Empty box for interest being mortgaged]

ENCUMBRANCES.
Insert details of
any encumbrances
registered against
the mining
tenement. If none
insert 'NIL'

[Empty box for encumbrances]

MORTGAGOR.
Full name and
address

[Empty box for mortgagor details]

MORTGAGEE.
Full name and
address

[Empty box for mortgagee details]

Principal Sum
secured (in words)

How and when
Principal Sum is
to be repaid

Rate of interest
to be paid

How interest is
payable

In consideration of the above principal sum owing by the Mortgagor to the Mortgagee,
THE MORTGAGOR—

FIRSTLY, for the purpose of securing the payment in the manner aforesaid of the principal sum and interest
MORTGAGES to the MORTGAGEE the interest herein specified in the abovementioned mining tenements sub-
ject however to the encumbrances as shown hereon.

SECONDLY, covenants with the Mortgagee as follows:

1. That the Mortgagor will pay to the Mortgagee the said principal sum in the manner, and at the times above set forth.

2. That the Mortgagor will in the meantime pay interest on the said principal sum at the rate, in the manner, and at the times above set forth.

*Here set forth any further covenants

3. *

DATED this _____ day of _____ 19____

(a) Signature of Mortgagor/s (b) Signature of witness	MDRTGAGOR/S sign here
	Signed (a)
	in the presence of (b)
	Signed (a)
	in the presence of (b)

LODGING PARTY (c) Full name and address (for return of documents)	(c)
---	-----

O F F I C E R E C E I V E D		Received at	
		on	
		with fee of \$.....	
		
		(Mining Registrar)	

Form 26

WESTERN AUSTRALIA
Mining Act 1978
(Reg. 83)

DISCHARGE OF MORTGAGE No.

(a) Full name and address of mortgagee (a)

being the mortgagee mentioned in a mortgage dated

(b) Date of Mortgage (b)

numbered

(c) Number of Mortgage (c)

and registered against

(d) State particulars of mining tenements the subject of the mortgage and interest therein (d)

do hereby certify and acknowledge that the whole of the debt or liability secured by the said mortgage has been fully paid or discharged.

DATED this _____ day of _____ 19

Signed

(e) Signature of Mortgagee

(e).....

(f) Signature of witness

in the presence of

(f).....

O F F I C E U S E		Received atm. on with fee of \$..... (Mining Registrar)	
---	--	---	--

MONTHLY PRODUCTION REPORT

(An individual report is required for each operation)

Report for Month of 19.....
 Mining Tenement No.
 Holder.....
 Mineral Field.....
 District..... Centre.....
 Number of Employees: Above ground..... Under ground.....

MATERIAL MINED OR TREATED				MINERAL RECOVERED				
Type (state whether alluvial, deep mined, lode, etc.)	Quantity (tonnes of ore)	Sands &/or Slimes (tonnes)	Esti- mated Assay	Estimated Value \$	Type (state mineral and whether ore, concentrates, etc.)	Quantity	Assay (or fine gold content)	Estimated Value \$

I certify that the information supplied in this report is a true statement of all the production for the period stated.
 DATED this day of 19.....

Signed..... (Holder)

Form 28 WESTERN AUSTRALIA
Mining Act 1978
(Reg. 102)

DEVOLUTION No.

Details of Mining Tenement application (or application therefor) and interest	
(a) Type (b) Number (c) Mineral Field (d) Number of shares	(a) _____ (b) _____ (c) _____ (d) _____

(e) Document from which title derived

(e)

(f) Full name and address of applicant

(f)

*Copy of document to be attached

hereby applies to be registered as the holder of the above mentioned interest and *attached hereto is a copy of the document referred to in (e) above

DATED this _____ day of _____ 19____

(g) Signature

(g).....

(h) Executor OR as the case may be

(h).....

LODGING PARTY

(i) Full name and address (for return of documents)

(i)

OFFICE USE		Received atm. on with fee of \$ (Mining Registrar)	
---------------	--	--	--

Form 29

WESTERN AUSTRALIA
Mining Act 1978
(Reg. 105)

APPLICATION FOR COPY DOCUMENT No.

- (a) Full name I, (a)
- (b) Address of (b)

declare pursuant to section 106 of the Evidence Act 1906 that the document specified cannot be produced for the reasons indicated, and I request that a copy document be issued in lieu.

(c) Description of document	<p>Details of Document</p> <p>(c)</p>
-----------------------------	--

(d) State whether document lost/destroyed, etc. as the case may be and the circumstances	<p>Reason for non-production</p> <p>(d)</p>
--	--

(e) Signature of declarant Signed (e)

DECLARED before me at
this day of 19.....

(f) Signature of witness See Note 1. (f)

O F F I C E U S E		Received atm. on with fee of \$..... (Mining Registrar)	
---	--	---	--

Note 1: This Declaration may be made before a Commissioner of Declarations, Justice of the Peace, Mining Registrar or other authorized person.

Form 30

WESTERN AUSTRALIA
Mining Act 1978
(Reg. 107)

APPLICATION TO AMEND No.

(a) Type (b) Number (c) Mineral Field	Details of Mining Tenement application therefor	
	(a)	(b)
	(c)	

(d) Full name and address	Holder/Applicant
(d)	

The abovementioned HOLDER/APPLICANT hereby applies to amend the register at the Department of Mines

FROM

(e) Present particulars shown in register	(e)
---	-----

TO

(f) Amended particulars	(f)
-------------------------	-----

DATED this _____ day of _____ 19____

(g) Signature of holder/applicant
(g).....

M I N I N G R E G I S T R A R		Received atm. on..... (Mining Registrar)	
----------------------------------	--	---	--

Form 31

WESTERN AUSTRALIA
Mining Act 1978
(Reg. 108)

POWER OF ATTORNEY No.

(a) Full name and address of donor

I, (a)

DO HEREBY APPOINT

(b) Full name and address of donee

(b)

(hereinafter referred to as the donee) as my attorney to apply for and acquire on my behalf any mining tenement under the *Mining Act 1978* and to sell all or any mining tenements, mortgages or charges whether now belonging to me or which shall hereafter belong to me under or by virtue of the said Act. Also to mortgage or sublet all or any such mining tenements for any sum at any rate of interest or rental. Also to withdraw or 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 upon me as a sub-lessor or mortgagee of mining tenements under the said Act.

*or otherwise according to the nature and extent of the powers intended to be conferred

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, and for enforcing or varying any contract, covenant, or condition binding upon any lessee, tenant, or occupier or upon any other person in respect of the said lands and for recovering and maintaining possession of the said lands, and for protecting them from waste, damage, or trespass.

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

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

DATED this _____ day of _____ 19____

(c) Signature of donor: _____ Signed (c).....
in the presence of

(d) Signature of witness: _____ Signed (d).....

(e) Signature of donee: _____ Signed (e).....

MISC INFORMATION			
------------------	--	--	--

Form 32

WESTERN AUSTRALIA
Mining Act 1978
 (Sec. 126 Reg. 112)

SECURITY

By this security the subscriber is for himself, his executors and administrators or in the case of a subscriber being a corporation for its successors and assigns pursuant to the *Mining Act 1978* bound to the Minister in the State of Western Australia in the sum of

(a) Amount of security (a)

subject only to this condition that, if

(b) Full name and address of applicant or holder (b)

shall comply with the conditions to which

(c) Insert details of type number and Mineral Field for the mining tenement or application therefor (c)

is, or will from time to time be subject, and with the provisions of the *Mining Act 1978* and regulations thereunder then this security shall be thereby discharged.

DATED at _____ this _____ day of _____ 19 _____

(d) Signature of applicant/holder
 (e) Signature of witness

Applicant or Holder signs here	in the presence of	Witness signs here
(d)	(e)	

OFFICE USE		Received atm. on theday of 19..... (Mining Registrar)	
---------------	--	---	--

Form 33

WESTERN AUSTRALIA
Mining Act 1978
(Regs. 48 & 121)

PLAINT No.

In the Warden's Court at

(a) Name and address of Plaintiff

<p style="text-align: center;">Plaintiff</p> <p>(a)</p>
--

V

(b) Name and address of defendant

<p style="text-align: center;">Defendant</p> <p>(b)</p>
--

(c) Nature of the claim

The Plaintiff claims that—

(c)

(d) Nature of relief sought

and asks—

(d)

DATED this _____ day of _____ 19

(e) Signature of Plaintiff (e).....

O F F I C E U S E	Received at.....m.	Fees Paid	\$	c
	on...../...../.....	Plaint		
	with fees as stated.	Summons		
	Subpoena		
	(Mining Registrar)	Service		
	Seal of Court	Affidavit		
		Kilometreage		
		Copies		
		Attendance		
		Total		

Form 34

WESTERN AUSTRALIA
Mining Act 1978
(Reg. 123)

SUMMONS

In the Warden's Court at

Plaint
No. /

TO:

(a) Full name and address of Defendant

(a)

YOU are hereby summoned to appear before the Warden's Court

(b) Place of hearing

(b)

(c) Time and date of hearing

at (c) .m. on the day of 19

to answer the claim of the plaintiff

(d) Full name of Plaintiff

(d)

as follows—

(e) Nature of claim as stated in Plaintiff

(e)

(f) Nature of relief sought

(f)

You may apply for the issue of a subpoena compelling the attendance of any witnesses, and production of any books, plans, documents, etc.

If you intend to dispute the plaintiff's claim you must file a notice of defence in accordance with regulation 126

DATED at

this day of 19

SEAL OF COURT

.....Mining Registrar

.....Mineral Field

ENDORSEMENT

This is the paper writing marked "A" referred to in the annexed affidavit of

sworn before me at , this

day of 19

.....

Form 35

WESTERN AUSTRALIA
Mining Act 1978
(Reg. 124)

AFFIDAVIT OF SERVICE

In the Warden's Court at

Plaintiff No. /

(a) Full name and address

Plaintiff (a)	
-------------------------	--

V

(b) Full name and address

Defendant (b)	
-------------------------	--

(c) Full name and address

(c) I,

make oath and say that I did on the _____ day of _____
 and annexed hereto) as follows— _____ 19 _____, duly serve a copy of the summons (which is marked "A")

Full name of person on whom service effected :

Manner of service :

Address where service effected :

Sworn before me at

this _____ day of _____ 19 _____

.....
 (Commissioner for taking affidavits in the Supreme Court/
 Warden/Mining Registrar/Justice of the Peace).

Form 36

WESTERN AUSTRALIA
Mining Act 1978
(Reg. 126)

NOTICE OF DEFENCE

PLAINT
No. /

In the Warden's Court at

(a) Full name and address

Plaintiff (a)	
------------------	--

V

(b) Full name and address

Defendant (b)	
------------------	--

TAKE NOTICE that I intend to defend the plaintiff's claim in this action on the following grounds—

(c) Grounds of defence

+ Delete if not applicable
(See Note 1)

+ and the defendant claims

DATED at _____ this _____ day of _____ 19 _____

(d) Signature of defendant

(d)

OFFICE USE		Received atm. on..... with fee of \$..... (Mining Registrar)	
---------------	--	--	--

Note 1: If the defendant claims a set off or asks for cross relief, particulars of the relief sought should be stated.

Form 37

WESTERN AUSTRALIA
Mining Act 1978
(Reg. 127)

SUBPOENA FOR WITNESS

In the Warden's Court at

PLAINT
No. /

(a) Full name
and address

Plaintiff
(a)

V

(b) Full name
and address

Defendant
(b)

TO:

You are hereby required to attend before this Court at

(c) Place of
hearing

(c) at

(d) Time and date
of hearing

(d) .m. on the day of 19

and at every adjournment thereof to give evidence on behalf of

(e) Plaintiff/
Defendant

(e)

and to produce to the Court

(f) State the
particular things
required to be
produced

(f)

If you neglect to comply with this summons you will be liable to a fine not exceeding \$100 or to arrest.

SEAL
OF
WARDEN'S
COURT

Dated at this

day of 19

Conduct Money \$Mining Registrar

.....Mineral Field

Received \$Conduct money

Signature

ENDORSEMENT

This is the paper writing marked "A" referred to in the annexed affidavit of

sworn before me at

this day of 19

Form 38

WESTERN AUSTRALIA
Mining Act 1978
(Reg. 129)

JUDGMENT/ORDER OF WARDEN'S COURT

In the Warden's Court at

PLAINT
No. /

(a) Full name
and address

Plaintiff
(a)

V

(b) Full name
and address

Defendant
(b)

(c) Insert
decision

THE Court adjudges that—

(c)

(d) Set forth
the order
in full

AND the Court orders—

(d)

DATED at

this

day of

19

SEAL
OF THE
WARDEN'S
COURT

.....Warden/Mining Registrar

Form 39

WESTERN AUSTRALIA
Mining Act 1978
(Reg. 130)

WARRANT OF EXECUTION

PLAINT
No. /

In the Warden's Court at

(a) Full name and address

Plaintiff
(a)

v

(b) Full name and address

Defendant
(b)

TO: The Bailiff

WHEREAS on the DAY of 19

* Delete whichever not applicable

*the plaintiff obtained a judgment of this Court against the defendant for debt (or damages) and costs in the sum of
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 costs be paid by the plaintiff to the defendant
in the sum of and whereas default has been made in the payment thereof.

†Defendant or Plaintiff

These are, therefore, to require and order you FORTHWITH TO LEVY against any property of the † wheresoever it may be found, the sum of 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 † 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 † together with this warrant.

SEAL OF THE COURT

DATED at this day of 19

By the Court

.....Mining Registrar

.....Mineral Field

Judgment	\$
Costs	\$
Execution	\$
Other	\$
Total amount to be levied	\$

Application was made for this warrant at.....m. on.....

Returned this Warrant to the above Warden's Court on the

day of 19

with the sum of in satisfaction thereof.

.....BAILIFF

Form 40

WESTERN AUSTRALIA
Mining Act 1978
(Sec. 141 Reg. 131)

WARRANT FOR RECOVERY OF POSSESSION

In the Warden's Court at

PLAINT
No. /

(a) Full name
and address

Plaintiff (a)

v

(b) Full name
and address

Defendant (b)

To the Bailiff

WHEREAS on the _____ day of _____ 19____

an order was made in the above Court that the defendant deliver up possession of

(c) Here state
terms of
order

(c)

and whereas the said defendant has refused or neglected so to do. _____ to the plaintiff

These are therefore to require and order you FORTHWITH TO eject the said defendant from the aforementioned land and/or mining tenement and to seize and take chattels or minerals specified above and deliver the same into your possession.

By the Court



.....Warden/Mining Registrar

.....Mineral Field

NOTICE OF SEIZURE

In the _____ Court at _____

Plaint No. _____

Warrant No. _____

Between _____

Plaintiff

and _____

Defendant

TO: The MINING REGISTRAR, at _____

TAKE NOTICE that under and by virtue of _____

_____ , dated the _____ day of _____

19 _____ , issued out of the _____

Court

at _____ (copy attached)

I have this day seized all the _____ right,
title and interest (if any) in and to the shares specified in the undermentioned mining tenement—

- (a) Type
- (b) Number
- (c) Mineral Field
- (d) Number of Shares

Details of Mining Tenement	
(a) _____	(b) _____
(c) _____	_____
(d) _____	_____

You will therefore communicate with me before registering any transfer, or other dealing with the shares specified while this seizure remains in force.

DATED at _____

this _____ day of _____ 19 _____

.....Baliff

OFFICE USE		Received atm. on with fee of \$..... (Mining Registrar)	
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Form 42 WESTERN AUSTRALIA
Mining Act 1978
(Sec. 147 Reg. 135)

NOTICE OF APPEAL UNDER SECTION 147

(a) Full Name and address of appellant

Appellant (a)

v

(b) Full name and address of respondent

Respondent (b)

To the Warden

.....Mineral Field

and

to the Respondent

Notice is given of an appeal against the final judgment/determination/decision of the Warden's Court at

on the day of 19

in respect to—

on the grounds that—

The sum of \$150.00 is deposited as security for or towards the costs of this appeal.

Signed
Signature of Appellant or his Solicitor

OFFICE NOV		Received at.....m. on with the sum of \$150.00 Receipt No..... (Mining Registrar)	
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Form 43

WESTERN AUSTRALIA
Mining Act 1978
(Reg. 136)

INJUNCTION

No.

UPON the application of

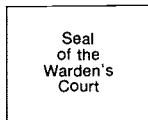
and whereas sufficient notice has been given to the parties interested and after hearing the evidence, I HEREBY ORDER THAT:

and his servants, workmen and agents, be restrained from—

*Terms of
injunction
granted

until the _____ day of _____ 19

DATED this _____ day of _____ 19



.....Warden

.....Mineral Field

[Schedule 1 amended in Gazettes 12 November 1982 p. 4491 (erratum in Gazette 19 November 1982 p. 4578); 30 May 1986 p. 1841; 20 June 1986 p. 2084; 2 October 1987 pp. 3821-36 (erratum in Gazette 6 November 1987 p. 4110, 20 May 1988 p. 1707.)]

SECOND SCHEDULE

Schedule of Fees and Rents

1. Annual Rent of—		\$
Exploration licence per square kilometre or part thereof.....	Reg. 18	26.70
General purpose lease per hectare or part thereof	Reg. 34	8.10
Lease granted under the <i>Mining Act 1904</i> , either pursuant to or continued in force by virtue of an agreement scheduled to, incor- porated in or appearing in an Act or a variation of such an agreement, per hectare or part thereof		8.10
Mining lease per hectare or part thereof	Reg. 25	8.10
Miscellaneous licence per hectare or part thereof	Reg. 39	8.10
Prospecting licence per hectare or part thereof (minimum \$13.00) ...	Reg. 12	1.30
2. Application Fee for—		
Exploration Licence	Reg. 18	673.00
General Purpose Lease.....	Reg. 34	135.00
Mining Lease.....	Reg. 25	135.00
Miscellaneous Licence	Reg. 39	135.00
Prospecting Licence	Reg. 12	67.50
3. Copy of—		
Mining Tenement Register (per tenement)	Reg. 106	3.70
Dealing affecting tenement (Per dealing)	Reg. 106	3.70
4. Exemption from expenditure conditions—per 1/12th of annual ex- penditure commitment	Reg. 54	8.45
5. Issue of—		
Duplicate instrument of lease.....	Sec. 83	20.00
Miner's Right	Sec. 20	10.00
6. Objection	Regs. 49, 51B, 55, 67, 120A Reg. 45	3.70 14.25
7. Partial Surrender of a Mining Tenement		
8. Permit to Enter Private Land—application for (per Lot or Location affected—Minimum \$15.00).....	Reg. 5	3.15
9. Private Land—application to bring under the Act	Reg. 8	14.25
10. Registration of dealings (per tenement affected where applicable)— Agreement	Reg. 110	14.25
Application for copy document	Reg. 105	14.25
Caveat	Sec. 121	14.25
Devolution.....	Reg. 102	14.25
Discharge/Withdrawal of any encumbrance.....	Regs. 83, 110	3.70
Injunction.....	Reg. 109	14.25
Judgment/Order of Court.....	Reg. 109	14.25
Mortgage	Reg. 109	14.25
Power of Attorney—each	Reg. 108	14.25
Seizure—Notice of	Reg. 132	14.25
Sub-lease of Mining Tenement	Reg. 110	14.25
Transfer—		
Mining Tenement.....	Reg. 75	14.25
Mortgage.....	Reg. 84	14.25
11. Restoration of Mining Tenement.....	Reg. 51	116.00
11A. Search of front page of form 5.....	Reg. 96 (2)	3.70
12. Survey Fees—	Regs. 25, 34	
		Fees Payable \$
(i) Area—		
for 5 hectares and under		146.00
10.....		218.00
15.....		292.00
20.....		352.00
30.....		408.00
40.....		468.00
50.....		526.00
60.....		586.00
80.....		660.00
100.....		734.00
120.....		808.00
140.....		896.00

12. Survey Fees— <i>continued</i>	\$
160.....	984.00
180.....	1 072.00
200.....	1 160.00
250.....	1 260.00
300.....	1 364.00
350.....	1 468.00
400.....	1 584.00
450.....	1 700.00
500.....	1 818.00
550.....	1 952.00
600.....	2 084.00
650.....	2 216.00
700.....	2 364.00
750.....	2 510.00
800.....	2 658.00
850.....	2 806.00
900.....	2 950.00
950.....	3 098.00
1000.....	3 244.00
<p>(ii) In the case of an application for a mining tenement, the boundaries of which are identical with any surveyed land, the fee shall be 50% of the appropriate fee as set out above.</p> <p>(iii) In the case of a partial surrender of a mining tenement, the re-survey fee for the retained area shall be 50% of the appropriate fee on the retained area as set out above.</p>	
13. WARDEN'S COURT FEES—	\$
(i) For entering any plaint: excluding service fee, but including the issue of summons for each defendant and all necessary witness subpoenas.....	23.00
(ii) Defence, including notice of defence and all necessary witness subpoenas.....	17.00
(iii) All necessary applications and affidavits.....	3.00
(iv) Every order made by Warden including every order made for injunction.....	7.00
(v) Issue of every warrant of execution and including any necessary renewal of warrant of execution.....	17.50
(vi) Every copy supplied of a judgment, decision, order or evidence per folio (minimum \$3.00).....	1.50
14. BAILIFF'S FEES—	
(i) Every process served including anything related thereto.....	7.00
(ii) Attendance at Court on each hearing.....	1.20
(iii) Warrant of execution—	
(I) execution of, including service of necessary notice and return to the warrant.....	17.50
(II) attendance on the execution debtor after seizure or to inspect or remove goods under seizure for sale whilst debtor is in possession and attendance at sale for each attendance which in the opinion of the Warden is reasonably necessary.....	6.60
(III) for keeping possession, per day.....	6.00
(IV) poundage—	
(a) sale of goods or land by licensed auctioneer including auctioneer's charges.....	15% on amount realized.
(b) sale of goods or land by auctioneer other than licensed auctioneer.....	10% on amount realized.
(c) where goods or land is not sold.....	4% on amount levied.
(iv) kilometreage in effecting service of any summons, notice or other document or to execute any writ or warrant—per kilometre or fraction thereof beyond the first kilometre as the crow flies (one way only).....	0.40

[Second Schedule substituted in Gazette 20 June 1986 pp. 2084-86; amended in Gazettes 26 June 1987 pp. 2527-28; 2 October 1987 pp. 3836-37.]

NOTES

¹ This reprint is a compilation as at 11 August 1988 of the *Mining Regulations 1981* and includes all amendments effected by the other regulations referred to in the following Table.

Table of Regulations

Regulations	Gazettal	Commencement	Miscellaneous
<i>Mining Regulations 1981</i>	13 November 1981 pp. 4601-76	1 January 1982	
<i>Mining Amendment Regulations 1982</i>	6 August 1982 p. 3099	6 August 1982	
<i>Mining Amendment Regulations (No. 2) 1982</i> (Erratum in <i>Gazette</i> 19 November 1982 p. 4578)	12 November 1982 pp. 4490-91	10 December 1982	
<i>Mining Amendment Regulations 1983</i>	23 December 1983 pp. 5001-02	1 January 1984	
<i>Mining Amendment Regulations 1984</i>	16 March 1984 p. 725	16 March 1984	
<i>Mining Amendment Regulations (No. 2) 1984</i>	15 June 1984 pp. 1655-57	1 July 1984	
<i>Mining Amendment Regulations 1986</i>	30 May 1986 pp. 1839-41	30 May 1986	
<i>Mining Amendment Regulations (No. 2) 1986</i>	20 June 1986 pp. 2083-86	1 July 1986	
<i>Mining Amendment Regulations 1987</i>	26 June 1987 pp. 2526-28	1 July 1987	
<i>Mining Amendment Regulations (No. 3) 1987</i>	7 August 1987 p. 3134	7 August 1987	
<i>Mining Amendment Regulations (No. 5) 1987</i>	21 August 1987 p. 3268	21 August 1987	
<i>Mining Amendment Regulations (No. 2) 1987</i> (Erratum in <i>Gazette</i> 6 November 1987 p. 4110)	2 October 1987 pp. 3811-37	16 October 1987	
<i>Mining Amendment Regulations (No. 6) 1987</i>	6 November 1987 p. 4110	6 November 1987	
<i>Mining Amendment Regulations 1988</i>	5 February 1988 p. 312	5 February 1988	
<i>Mining Amendment Regulations (No. 2) 1988</i>	8 April 1988 p. 1165	8 April 1988	
<i>Mining Amendment Regulations (No. 3) 1988</i>	20 May 1988 pp. 1705-7	20 May 1988	
<i>Mining Amendment Regulations (No. 5) 1988</i>	15 July 1988 p. 2474	15 July 1988	
<i>Mining Amendment Regulations (No. 4) 1988</i>	22 July 1988 pp. 2526-28	1 August 1988	