



Western Australia

Mining Regulations 1981

Reprinted as at 21 July 2000

Western Australia

Mining Regulations 1981

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Defined Terms



Western Australia

Reprinted under the
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Mining Act 1978

Mining Regulations 1981

Part I — Preliminary

1. Citation and commencement

- (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.

2. Definitions

In these regulations unless the contrary intention appears —

“**block**” has the meaning ascribed to it in Part IV, Division 2 of the Act;

“**date of application**” when referring to an application for a mining tenement means the date on which the application is lodged at the office of the mining registrar together with the prescribed fees;

“**existing exploration licence**” means an exploration licence —

- (a) granted before the commencement of section 16 of the *Mining Amendment Act 1990*²; or
- (b) for which an application was made before the commencement of section 16 of the *Mining*

*Amendment Act 1990*² and which has subsequently been granted;

“graticular exploration licence” means an exploration licence the application for which was made on or after the commencement of section 16 of the *Mining Amendment Act 1990*² and which has subsequently been granted;

“graticular section” has the meaning ascribed to it in Part IV, Division 2 of the Act;

“mineral exploration report” has the same meaning as it has in section 115A(1);

“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;

“section” means section of the Act;

“the Act” means the *Mining Act 1978*.

[Regulation 2 amended in Gazette 12 November 1982 p.4490; 2 October 1987 p.3813; 20 May 1988 p.1705; 31 May 1991 p.2696; 24 June 1994 pp.2927-8; 13 October 1995 p.4814.]

Part II — Miner's Rights

3. Form of Miner's Rights

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

4. Quantity of samples or specimens

The quantity of each sample or specimen the holder of a Miner's Right may extract or 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 inserted in Gazette 20 October 1987 p.3813;
amended in Gazette 31 May 1991 p.2696.]*

Part III — Mining on private land

5. Application for permit to enter private land

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

- (a) lodged at the office of a 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.

[Regulation 5 amended in Gazette 31 July 1992 p.3775.]

6. Form of permit to enter

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

7. Notice of application relating to private land

- (1) The notice required to be given under section 33(1) of the Act is —
 - (a) a copy of the application for the mining tenement; and
 - (b) a map or plan on which the boundaries of the land comprising the proposed mining tenement are clearly defined,

to be served within 14 days of the date of lodgment of the application.

- (2) If the time prescribed for giving notice under section 33(1) is extended under regulation 104, the applicant shall serve with that notice, and the map or plan referred to in subregulation (1), a written notice stating that the period for lodging objections to the application is within 21 days of the date of service of the documents.

[Regulation 7 amended in Gazette 16 November 1990 p.5728; 31 May 1991 p.2696.]

8. Application to bring private land under the Act

- (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.

9. Right of way on private land

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.

10. Consents under section 29

- (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 at Perth; and
 - (b) accompanied by a copy of the certificate of title for the relevant land.

*[Regulation 10 inserted in Gazette 2 October 1987 p.3814;
amended in Gazette 4 April 1997 p.1778.]*

10A. Compensation

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

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- (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 inserted in Gazette 2 October 1987 p.3814.]

Part IV — Mining tenements

Division 1 — Prospecting licences

11. Marking out and application

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

12. Fee, rent to accompany application

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 inserted in Gazette 15 June 1984 p.1655; amended in Gazette 20 June 1986 p.2084; 26 June 1987 p.2526; 2 October 1987 p.3814.]

13. Instrument of licence

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

14. Limit on amount of earth, etc., that may be removed

For the purposes of section 48(c), the limit on the amount of earth, soil, rock, stone, fluid or mineral bearing substances which may be excavated, extracted or removed during the period for which the licence remains in force is 500 tonnes in total, and the excavation, extraction or removal of a larger tonnage, without the Minister's written approval, shall render the licence liable to forfeiture.

[Regulation 14 inserted in Gazette 31 May 1991 p.2696.]

15. Expenditure condition

- (1) The holder of a prospecting licence shall expend or cause to be expended in mining on or in connection with mining on the

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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.

- (1aa) Subregulation (1) applies in respect of any period in which a prospecting licence continues in force because of —
- (a) an application for a lease under section 49; or
 - (b) an application for a retention licence under section 70B,
- except that the amount to be expended during that period is to be calculated on a pro rata basis for each whole month from the last anniversary date of the commencement of the term of the licence until the application is determined.
- (1a) Expenditure incurred under subregulation (1) during the month in which the anniversary date of the commencement of the term of the licence occurs may be treated by the holder as expenditure incurred in either the year immediately preceding that anniversary date or the year starting from such date (including any period referred to in subregulation (1aa)).
- (1b) The specific provisions in regulation 96C, relating to allowable expenditure and non-allowable expenditure for the purposes of calculating expenditure under a licence, apply when calculating expenditure under this regulation.
- (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 month from the date of surrender to the next anniversary date of the commencement of the term of the licence.

[Regulation 15 amended in Gazette 16 November 1990 p.5728; 31 July 1992 p.3776; 11 June 1999 p.2543; 18 June 1999 p.2642.]

16. Reports to be filed

- (1) 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.
- (2) A person who, in a report required under section 51 of the Act, gives information that the person knows is false or misleading in a material respect commits an offence.

[Regulation 16 amended in Gazette 2 July 1993 p.3270.]

16A. Extension of prospecting licence

- (1) An application under section 45(3) (as continued in force by section 5(2) of the *Mining Amendment Act 1993*) 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.3814-5; amended in Gazette 24 June 1994 p.2928.]

Division 2 — Exploration licences

17. Application

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.

18. Fee, rent to accompany application

An application for an exploration licence shall be accompanied by —

- (a) the prescribed application fee; and
- (b) the prescribed rent per block.

[Regulation 18 amended in Gazette 15 June 1984 p.1655; 20 June 1986 p.2084; 26 June 1987 p.2526; 2 October 1987 p.3815; 31 May 1991 p.2696.]

18A. Prescribed procedure for certain applications

- (1) This regulation applies to applications for exploration licences in respect of an area that are made at the first available opportunity after that area —
 - (a) has been surrendered under section 65; or
 - (b) has become forfeited under section 96A or 97.
- (2) Applications to which this regulation applies shall be lodged by placing the applications in a tray specifically identified for that purpose at the office of the mining registrar.
- (3) When the mining registrar is satisfied that all persons waiting to lodge applications to which this regulation applies have placed their applications in the tray in accordance with subregulation (2), the mining registrar shall remove the tray.
- (4) The applications contained in the tray after removal by the mining registrar shall be regarded as having been lodged —
 - (a) in the case of applications in respect of an area surrendered under section 65, on the date and at the time

endorsed on the public plans of the Department under regulation 23(c) as the date and time for the release of the area surrendered; and

- (b) in the case of applications in respect of an area forfeited under section 96A or 97, at the same time on the date on which notice of the forfeiture was published in the *Government Gazette*.

[Regulation 18A inserted in Gazette 13 October 1995 p.4814.]

19. Instrument of licence

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

20. Limit on amount of earth, etc., that may be removed

For the purposes of section 66(c), the limit on the amount of earth, soil, rock, stone, fluid or mineral bearing substances which may be excavated, extracted or removed during the period for which the licence remains in force is 1 000 tonnes in total, and the excavation, extraction or removal of a larger tonnage, without the Minister's written approval, shall render the licence liable to forfeiture.

[Regulation 20 inserted in Gazette 31 May 1991 p.2697.]

21. Expenditure condition

- (1) The holder of an exploration licence shall expend, or cause to be expended, in mining on or in connection with mining on the licence during each year of the term of the licence or, where the term of the licence is extended under section 61(2), during each of the first 5 years of that term —
 - (a) in respect of an existing exploration licence, not less than \$300 for each square kilometre or part thereof of the area of the licence with a minimum of \$20 000; or
 - (b) in respect of a graticular exploration licence —
 - (i) not less than \$10 000 where one block only is subject to the licence;

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- (ii) not less than \$15 000 where 2 blocks only are subject to the licence;
 - (iii) where 3 or more blocks are subject to the licence, not less than an amount assessed by reference to the number of blocks comprising the licence, calculated at \$900 per block with a minimum of \$20 000.
- (1aa) Expenditure incurred under subregulation (1) or (1b) during the month in which the anniversary date of the commencement of the term of the licence occurs may be treated by the holder as expenditure incurred in either the year immediately preceding that anniversary date or the year starting from such date (including any period referred to in subregulation (1c)).
- (1a) Where a part of a block comprises or is included in the land in respect of which an exploration licence is granted, the whole of that block is deemed to be subject to the licence for the purposes of subregulation (1)(b).
- (1b) If the term of an exploration licence is extended under section 61(2), the holder of the exploration licence shall, subject to subregulation (1d), expend, or cause to be expended, in mining on or in connection with mining on the licence —
 - (a) during the sixth and seventh year of the term of the licence, not less than \$50 000 per year;
 - (b) during the eighth, ninth and any subsequent year of the term of the licence, not less than \$100 000 per year,irrespective of the area of the licence or, in the case of a graticular exploration licence, the number of blocks that are subject to the licence.
- (1c) Subregulation (1) applies in respect of any period in which an exploration licence continues in force because of —
 - (a) an application to extend the term of the licence under section 61;
 - (b) an application for a lease under section 67; or

- (c) an application for a retention licence under section 70B, except that the amount to be expended during that period is to be calculated on a pro rata basis for each whole month from the last anniversary date of the commencement of the term of the licence until the application is determined.
- (1d) If an application for the extension of the term of an exploration licence is granted after the date on which the licence would have expired (but for section 61(3)), the amount to be expended under subregulation (1b) during the period from the date on which the application is granted until the next anniversary date of the term of the licence is to be calculated on a pro rata basis for each whole month of that period.
- (1e) The specific provisions in regulation 96C, relating to allowable expenditure and non-allowable expenditure for the purposes of calculating expenditure under a licence, apply when calculating expenditure under this regulation.
- (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 month from the date of surrender to the next anniversary date of the commencement of the term of the licence.
- (3) If during a particular year of the term of an exploration licence or any period referred to in subregulation (1c), the holder of the licence is directly engaged part-time or full-time in mining on land the subject of the licence, an amount equivalent to the wages the holder would otherwise have earned if similarly employed elsewhere in the district is to be deemed to have been expended during that year or period, as the case requires.

[Regulation 21 amended in Gazette 16 November 1990 p.5728; 31 May 1991 p.2697; 31 July 1992 p.3776; 13 October 1995 pp.4814-5; 11 June 1999 p.2543; 18 June 1999 pp.2642-3.]

22. Reports to be filed

- (1) The reports required under section 68(3) 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.

- (2) A person who, in a report required under section 68(3), gives information that the person knows is false or misleading in a material respect commits an offence.

*[Regulation 22 amended in Gazette 2 July 1993 p.3270;
13 October 1995 p.4815.]*

23. Endorsement of plans upon surrender

The surrender under section 65 (which in this regulation includes a deemed surrender) of the whole or portion of the land the subject of an exploration licence shall be endorsed on the plans referred to in section 65(5) in the following manner —

- (a) the portion surrendered, or deemed surrendered, shall be marked on each plan;
- (b) on each plan the portion surrendered, or deemed surrendered, shall be endorsed with the exploration licence number and a release number allocated by the Department; and
- (c) at a date and time chosen by an officer authorised by the Director General of Mines for the release of the portion

surrendered, or deemed surrendered, that date and time shall be endorsed on that portion of each plan.

[Regulation 23 inserted in Gazette 31 May 1991 p.2697.]

23AA. Refund of rent following unsuccessful application under section 65(1a)

- (1) If the holder of an exploration licence makes an application under section 65(1a) for an exemption and an exemption is not granted, the holder is entitled to a pro rata refund of rent paid on the blocks surrendered for the period commencing on the day on which the surrender takes effect under section 65(1b).
- (2) When calculating a pro rata refund for the purposes of subregulation (1), only whole months of the period referred to in that subregulation are to be the subject of the refund.

[Regulation 23AA inserted in Gazette 13 October 1995 p.4815.]

23AB. Prescribed circumstances under section 61(2)(a)

For the purposes of section 61(2)(a), the Minister may extend the term of an exploration licence if the Minister is satisfied that —

- (a) by reason of difficulties or delays —
 - (i) occasioned by law;
 - (ii) arising from administrative, political, environmental or other requirements of governmental or other authorities, in the State or elsewhere; or
 - (iii) in obtaining requisite consents or approvals for exploration or for the marking out of a mining lease or general purpose lease in relation to any part of the land,

the exploration programme, or the marking out and application appropriate to a mining lease or general purpose lease in relation to the land, could not be undertaken or completed or is restricted in a manner that

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is, or subject to conditions that are, for the time being impracticable;

- (b) the land the subject of the licence has for any reason the Minister considers sufficient been unworkable for the whole or a considerable part of any year of the term; or
- (c) work already carried out under the licence justifies further exploration on the basis that —
 - (i) significant mineralisation has been discovered; or
 - (ii) a new or revised geological concept is being used to identify new areas of mineralisation.

[Regulation 23AB inserted in Gazette 13 October 1995 p.4816.]

23A. Extension of exploration licence

- (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 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 inserted in Gazette 2 October 1987 p.3815;
amended in Gazette 13 October 1995 p.4816.]*

Division 2A — Retention licences

[Heading inserted in Gazette 24 June 1994 p.2928.]

23B. Application and marking out

- (1) An applicant for a retention licence is to comply with the regulations in Part V, Division 2 with such modifications as the circumstances require.
- (2) It is not necessary to mark out the land in respect of which a retention licence is sought unless the Minister so requires under section 70D(9).
- (3) If the Minister requires the land to be marked out the applicant is to do so in accordance with regulations 59, 60 and 61.

*[Regulation 23B inserted in Gazette 24 June 1994 p.2928;
amended in Gazette 4 April 1997 p.1778.]*

23C. Fee, rent to accompany application

An application for a retention licence is to be accompanied by —

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

[Regulation 23C inserted in Gazette 24 June 1994 p.2928.]

23D. Instrument of licence

The instrument of licence for a retention licence shall be in the form No. 7 in the First Schedule.

[Regulation 23D inserted in Gazette 24 June 1994 p.2928.]

23E. Reports to be lodged

- (1) The periodical reports and returns required under section 70H(1)(f) shall be a report on operations on the mining tenement in the form No. 5 in the First Schedule, to be lodged within 60 days after —
- (a) each anniversary date of the commencement of the term of the licence;
 - (b) the surrender, forfeiture, expiry or other cancellation of the licence;
 - (c) the surrender of any portion of the licence, relating to any 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 the lodging of the report.

- (2) A person who, in a report required under section 70H(1)(f), gives information that the person knows is false or misleading in a material respect commits an offence.

[Regulation 23E inserted in Gazette 24 June 1994 pp.2928-9.]

23F. Application for renewal

- (1) An application under section 70E(2) for the renewal or further renewal of a retention licence shall be —
- (a) made in the form No. 9 in the First Schedule;
 - (b) accompanied by —
 - (i) a report setting out a summary of any work and any investigations carried out under the licence, and a detailed programme of any work and any investigations proposed to be carried out under the licence;
 - (ii) a statutory declaration stating that mining of the identified mineral resource remains impracticable for one or more of the reasons referred to in section 70C(2) (and setting out that

reason or those reasons in the statutory declaration);

- (iii) the instrument of licence; and
- (iv) the rent pursuant to regulation 23C(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 23F inserted in Gazette 24 June 1994 p.2929.]

23G. Limit on amount of earth, etc., that may be removed

For the purposes of section 70J(c), the limit on the amount of land, earth, soil, rock, stone, fluid or mineral bearing substance which may be excavated, extracted or removed during the period for which the retention licence remains in force is 1 000 tonnes in total, and the excavation, extraction or removal of a larger tonnage, without the Minister's written approval, renders the licence liable to forfeiture.

[Regulation 23G inserted in Gazette 24 June 1994 p.2929.]

23H. Manner of identifying mineral resource

For the purposes of section 70A, a deposit of minerals is an "identified mineral resource" when sufficient exploration and sampling of *in situ* mineralisation has been undertaken to allow the continuity of mineralisation to be assessed as being within the "Indicated" or "Measured" classifications by a "Resource Report" prepared in accordance with the *Australasian Code for Reporting of Identified Mineral Resources and Ore Reserves*,

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published by the Joint Committee of the Australasian Institute of Mining and Metallurgy, Australian Institute of Geoscientists and Australian Mining Industry Council in September 1992.

[Regulation 23H inserted in Gazette 24 June 1994 p.2929; amended in Gazette 9 September 1994 p.4643.]

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24. Marking out and application

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

25. Fees, rent to accompany application

An application for a mining lease shall be accompanied by —

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

[Regulation 25 amended in Gazette 15 June 1984 p.1655; 20 June 1986 p.2084; 26 June 1987 p.2526; 2 October 1987 p.3816; 21 June 1991 p.3055; 24 June 1994 p.2930.]

26. Instrument of lease

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

27. Covenants

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.

28. Additional condition

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.

28A. Additional rent for mining lease producing iron ore

- (1) In addition to the rent prescribed in the Second Schedule, a lessee shall pay rent calculated at the rate of 25 cents per tonne of all forms of iron ore obtained from the mining lease after the expiry of the period of 15 years from —
 - (a) the day on which iron ore is or was first obtained from that mining lease by the lessee; or
 - (b) the day on which the *Mining Amendment Regulations 1996*¹ came into operation,

whichever is the later day.

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- (2) Despite regulation 93, the rent shall be paid to the Department at Perth within 30 days after the expiry of each quarterly period during which the iron ore was obtained from the mining lease.
- (3) A lessee shall, on each occasion that rent is paid under this regulation, lodge a return, in a form approved by the Minister, showing in full the details required to calculate the rent.

[Regulation 28A inserted in Gazette 13 September 1996 p.4598.]

29. Application for renewal

- (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 inserted in Gazette 2 October 1987 p.3816.]

30. Notice required by section 56A(8), 70(6) or 85B(3)

When the holder of —

- (a) a special prospecting licence granted under section 56A(8);

- (b) a special prospecting licence granted under section 70(6); or
- (c) a special prospecting licence granted under section 85B(3),

makes an application for a mining lease for gold in respect of the land or any part of the land which is the subject of a special prospecting licence, that person 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 —

- (aa) the prospecting licence first-mentioned in section 56A(1);
- (bb) the exploration licence referred to in section 70(1); or
- (cc) the mining lease referred to in section 85B(1),

as the case may be.

[Regulation 30 inserted in Gazette 24 June 1994 p.2930.]

31. Expenditure condition

- (1) The holder of a mining lease shall expend or cause to be expended 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.

- (1a) Expenditure incurred under subregulation (1) during the month in which the anniversary date of the commencement of the term of the lease occurs may be treated by the holder as expenditure incurred in either the year immediately preceding that anniversary date or the year starting from such date.

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- (1b) The specific provisions in regulation 96C, relating to allowable expenditure and non-allowable expenditure for the purposes of calculating expenditure under a lease, apply when calculating expenditure under this regulation.
- (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 month from the date of surrender to the next anniversary date of the commencement of the term of the lease.

[Regulation 31 amended in Gazette 16 November 1990 p.5728; 31 July 1992 p.3776; 11 June 1999 p.2544; 18 June 1999 p.2643.]

32. Reports to be filed

- (1) 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.

- (2) A person who, in a report required under section 82(1) of the Act, gives information that the person knows is false or misleading in a material respect commits an offence.

[Regulation 32 amended in Gazette 2 October 1987 p.3816; 2 July 1993 p.3270.]

Division 4 — General purpose leases

33. Marking out and application

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

34. Fees, rent to accompany application

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

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

[Regulation 34 amended in Gazette 15 June 1984 p.1655; 20 June 1986 p.2084; 26 June 1987 p.2526; 2 October 1987 p.3816; 21 June 1991 p.3055; 24 June 1994 p.2930.]

35. Instrument of lease

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

36. Covenants and conditions

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;

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- (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.]

36A. Application for renewal

- (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

37. Marking out and application

- (1) A miscellaneous licence shall be marked out by erecting 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.
- (3) Within 35 days of the date of application for a miscellaneous licence the applicant shall lodge at the office of the mining registrar written details of —
 - (a) any works to be constructed in connection with the licence;
 - (b) the proposed manner of construction of such works; and
 - (c) any operations to be carried out on the land the subject of the application.

[Regulation 37 amended in Gazette 16 November 1990 p.5728; 13 October 1995 p.4816.]

38. Shape of licence

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

39. Fee, rent to accompany application

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 inserted in Gazette 15 June 1984 p.1655; amended in Gazette 20 June 1986 p.2084; 26 June 1987 p.2526; 2 October 1987 p.3817.]

[40. Repealed in Gazette 13 October 1995 p.4816.]

41. Covenants and conditions

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.]

42. Instrument of licence

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

42A. Application for renewal

- (1) Application for renewal of a miscellaneous licence under section 91A or 91B 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; amended in Gazette 11 June 1999 p.2544.]

42B. Prescribed purposes for grant of miscellaneous licence

For the purposes of section 91(1), a miscellaneous licence may be granted for the use of land for one or more of the following purposes —

- (a) a road;
- (b) a tramway;
- (c) an aerial rope way;
- (d) a pipeline;
- (e) a power line;
- (f) a conveyor system;
- (g) a tunnel;
- (h) a bridge;
- (i) taking water;
- (ia) a search for groundwater;
- (j) hydraulic reclamation and transport of tailings;
- (k) an aerodrome;
- (l) a meteorological station;
- (m) a sulphur dioxide monitoring station; or

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- (n) any other purpose directly connected with mining operations approved by the Director General of Mines.

[Regulation 42B inserted in Gazette 13 October 1995 p.4817; amended in Gazette 4 April 1997 p.1778.]

Division 6 — Surrenders and forfeitures

43. Surrender of tenement

- (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.]

44. Shape of tenement after partial surrender

- (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 —
 - (a) in respect of an existing exploration licence, the part remaining shall consist of not more than 3 discrete areas each of which is of the shape prescribed by that regulation or as near to that shape as is practicable; or
 - (b) in respect of a graticular exploration licence, the graticular sections that constitute the blocks that remain subject to the exploration licence shall comply with section 65(1).

- (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; 31 May 1991 pp.2697-8.]

45. Marking out etc., required for partial surrender

- (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); and
 - (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; and
 - (c) in the case of a surrender under section 65, also comply with the Act as if that surrender were a surrender under section 95.
- (2) Additional posts 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) and the prescribed fee.
- (4) Any posts or notice of re-marking placed in connection with a surrender pursuant to this regulation shall be removed in the

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event of the surrender not being proceeded with or not being registered.

- (5) Where a part of a mining tenement is to be surrendered under section 26A, a surrender in the form No. 14 in the First Schedule shall be executed and lodged accompanied by a map clearly delineating the portion of the tenement being surrendered, and the portion being retained, but any further requirements of this regulation do not apply.

[Regulation 45 amended in Gazette 15 June 1984 p.1655; 20 June 1986 p.2084; 26 June 1987 p.2526; 2 October 1987 p.3817; 16 November 1990 p.5728; 21 June 1991 p.3055; 31 May 1991 p.2698; corrigendum in Gazette 7 June 1991 p.2836; amended in Gazette 24 June 1994 p.2931.]

46. Partial surrender to be endorsed on instrument of lease/licence

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.

47. Consent of mortgagee to surrender

- (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 26A or 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.

[Regulation 47 amended in Gazette 31 May 1991 p.2698.]

47A. Refund where conditional surrender of mining lease or general purpose lease

- (1) If —
- (a) the holder of a mining lease or a general purpose lease surrenders the lease in whole or in part under section 95 conditionally upon the grant of a mining tenement in respect of the whole or any part of the lease; and
 - (b) that mining tenement is granted,

the holder is entitled to a pro rata refund of rent paid on the whole or such part of the lease as is included in that mining tenement for the period commencing on the day on which that mining tenement is granted.

- (2) When calculating a pro rata refund for the purposes of subregulation (1) only whole months of the period referred to in that subregulation are to be the subject of the refund.

[Regulation 47A inserted in Gazette 13 October 1995 p.4817.]

48. Complaint for forfeiture

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 complaint in the form No. 33 in the First Schedule.

49. Forfeiture for non-payment of rent, etc.

- (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,

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- 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 at any time prior to the fixed date, and the warden shall hear and determine the matter.

[Regulation 49 amended in Gazette 24 December 1993 p.6828.]

50. Notice to holder of mining tenement of intended forfeiture

The Minister may, before declaring under section 96A(1) of the Act that an exploration licence or retention 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 retention 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 retention licence, or of the mining lease or general purpose lease; and
- (b) if the exploration licence or retention 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*.

[Regulation 50 amended in Gazette 24 June 1994 p.2931.]

51. Application for restoration of tenement

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 at the office of the mining registrar within 30 days of the forfeiture of the mining tenement or such further period as the warden considers reasonable.

[Regulation 51 inserted in Gazette 2 October 1987 p.3818; amended in Gazette 24 June 1994 p.2931.]

51A. Notice of application for restoration

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

[Regulation 51A inserted in Gazette 2 October 1987 p.3818.]

51B. Objection to application

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 at the office of the mining registrar within 30 days of the lodging of the application at the office of the mining registrar or within such further time as the warden considers reasonable.

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[Regulation 51B inserted in Gazette 2 October 1987 p.3818; amended in Gazette 24 December 1993 p.6828; 24 June 1994 p.2931.]

52. Reduced expenditure where forfeiture plaint lodged

Notwithstanding regulations 15(1), 21(1) and 31(1), where a plaint for forfeiture of a mining tenement is lodged, a pro rata reduction in the annual amount to be expended in respect of the mining tenement applies for each whole month from the date of lodgment to the date of determination of the plaint.

[Regulation 52 inserted in Gazette 16 November 1990 p.5728.]

53. Notice to mortgagee

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

54. Application for certificate of exemption

- (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.
 - (1a) For the purposes of section 102(1), the prescribed period in which an application may be made, after the end of the year to which the proposed exemption relates, is 60 days.
 - (1b) The mining registrar shall, on the lodging of an application for a certificate of exemption under section 102, post a copy of the application on the notice board at his office.
- (2) An application for a certificate of exemption under section 102A shall be accompanied by the prescribed fee.

- (3) An applicant for a certificate of exemption under section 102 or 102A shall also lodge at the office of the mining registrar, reasons in the form of a statutory declaration supporting the application for the certificate of exemption —
- (a) within 28 days of the lodgement of the application; or
 - (b) within such further period as the Director General of Mines may approve prior to the expiry of the period referred to in paragraph (a).

[Regulation 54 inserted in Gazette 2 October 1987 p.3818; amended in Gazette 31 May 1991 p.2698; 13 October 1995 p.4818; 4 April 1997 p.1778.]

55. Objection to application for exemption

A person may within 21 days of the date of lodgement of an application for a certificate of exemption under section 102, or within such further period as the warden considers reasonable, lodge an objection against that application in the form No. 16 in the First Schedule.

[Regulation 55 inserted in Gazette 13 October 1995 p.4818; amended in Gazette 4 April 1997 p.1778.]

56. Evidence in support of application and objection

- (1) Where any objection against an application for a certificate of exemption under section 102 is lodged within the time allowed, the warden shall receive evidence in open court in support of the application and in support of any objection so lodged.

[(2) repealed]

[Regulation 56 inserted in Gazette 2 October 1987 p.3818; amended in Gazette 31 May 1991 p.2698; corrigendum in Gazette 21 June 1991 p.3037.]

[57. Repealed in Gazette 2 October 1987 p.3818.]

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58. Certificate of exemption

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

59. Manner of marking out a tenement

- (1) Land in respect of which a person is seeking a mining tenement shall, except where other provision is expressly made, be marked out —
 - (a) by fixing firmly in the ground —
 - (i) at or as close as practicable to each corner or angle of the land concerned; or
 - (ii) if there is an existing survey mark at a corner or angle of the land concerned, as close as practicable to the survey mark without moving, changing or otherwise interfering with the survey mark,
a post projecting at least 1 metre above the ground;
 - (b) subject to subregulation (3), by either —
 - (i) cutting 2 clearly identifiable trenches; or
 - (ii) placing 2 clearly identifiable rows of stones, each at least 1 metre long from each post in the general direction of the boundary lines; and
 - (c) then by fixing firmly to one of the posts as the datum post, notice of marking out in the form No. 20 in the First Schedule.
- (2) Where the land adjoins other land in respect of which the same person is seeking or holds a mining tenement, common posts and, if required, common trenches or common rows of stones may be used for the marking out of each parcel of land.
- (3) Where a post is fixed as close as practicable to an existing survey mark under subregulation (1)(a)(ii), marking out in the manner described in subregulation (1)(b) is not required.

[Regulation 59 inserted in Gazette 16 November 1990 p.5728; amended in Gazette 2 July 1993 p.3271.]

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Division 1 Marking out mining tenements

r. 60

60. Stones used to support posts

Where, because of the nature of the ground, it is not practicable to fix posts firmly in the ground as required by regulation 59(1), stones may be used to support the posts.

[Regulation 60 inserted in Gazette 2 July 1993 p.3271.]

61. Marking out surveyed land

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 —

- (a) at a corner of the boundaries; or
- (b) if there is an existing survey mark at a corner of the boundaries, as close as practicable to the survey mark without moving, changing or otherwise interfering with the survey mark,

a datum post to which the notice of marking out in the form No. 20 in the First Schedule is affixed.

[Regulation 61 amended in Gazette 2 October 1987 p.3819; 2 July 1993 p.3271.]

62. Surplus land may be applied for by others

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

[Regulation 62 amended in Gazette 11 June 1999 p.2544.]

63. Land marked out but not applied for

- (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

64. Application for mining tenement

- (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.
- (1a) For the purposes of section 58(1) an application for an exploration licence, in the form No. 21 of the First Schedule, includes —
 - (a) a completed copy of Attachment 1 to form No. 21, identifying the block or blocks to which the application relates by number; and
 - (b) a completed copy of Attachment 2 to form No. 21, clearly delineating the block or blocks to which the application relates,in accordance with section 58(2)(a).
- (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,

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85B, 91 or 118 of the Act, and compliance with subregulations (4), (5) and (6).

- (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 an advertisement, containing such particulars of the application as the Director General of Mines requires, to be published —
- (a) in a newspaper or newspapers; and
 - (b) on a day of the week,

nominated by the Director General of Mines, within 14 days of the date of the application or within such further period as the warden considers reasonable.

- (5a) Subregulation (5) does not apply in relation to an application for a special prospecting licence under section 56A, 70 or 85B.
- (6) An applicant for a mining tenement in respect of land that is the subject of a miscellaneous licence shall, in addition to giving notice of the application as required by the Act and these regulations, cause a copy of the application to be given to the holder of the miscellaneous licence.

[Regulation 64 amended in Gazette 2 October 1987 p.3819; 31 May 1977 pp.2698-9; 31 July 1992 p.3776; 2 July 1993 p.3271; 24 June 1994 p.2931; 13 October 1995 p.4818; 4 April 1997 p.1778.]

64A. Notice of application for prospecting licence, exploration licence, retention licence or mining lease

For the purposes of sections 41(2), 58(4), 70C(4) and 74(3), the notice required to be served on the owner and occupier shall be —

- (a) in the form No. 21 in the First Schedule; and
- (b) served by the applicant within 14 days of the lodging of the application to which the notice relates.

[Regulation 64A inserted in Gazette 13 October 1995 p.4818.]

64B. Notice of application for mining tenement — pastoral lessee or other leaseholder

For the purposes of section 118, where notice is required to be given to the holder of a pastoral lease, or other lease granted by or on behalf of the Crown for grazing purposes only, that notice is to be given within 14 days of the lodging of the application to which the notice relates.

[Regulation 64B inserted in Gazette 24 June 1994 p.2931.]

65. Number of shares to be stated on application

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.

66. Description of boundaries

The boundaries of every mining tenement applied for, other than an exploration licence, shall be described from either —

- (a) an existing survey mark;
- (b) a prominent ground feature shown on the public plans of the Department;
- (c) latitude and longitude; or
- (d) Australian Map Grid co-ordinates.

[Regulation 66 inserted in Gazette 2 July 1993 p.3271.]

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[66A. Repealed in Gazette 4 April 1997 p.1778.]

67. Objection against application

- (1) Within 35 days of the date of application for a mining tenement or such further period as the warden considers reasonable any person may 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.
- (2) Notwithstanding subregulation (1), where an application is made for a mining tenement that relates to private land, the period during which a person may lodge an objection is —
 - (a) within 21 days of the date on which the person was served with a copy of notice required to be given under section 33(1); or
 - (b) within 35 days of the date of the application,whichever period ends later, or such further period as the warden considers reasonable.

[Regulation 67 amended in Gazette 31 May 1991 p.2699;
2 July 1993 p.3272; 24 December 1993 p.6828.]

[67A. Repealed in Gazette 4 April 1997 p.1778.]

68. Warden may obtain report

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.

69. Withdrawal of applications

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.

70. Refund of rent on withdrawal or refusal of application

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 inserted in Gazette 2 October 1987 p.3819.]

70A. Amalgamation of secondary tenement

- (1) An application to amalgamate a secondary tenement under section 67A shall —
 - (a) be lodged at the office of 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.
- (3) If an application to amalgamate a secondary tenement under section 67A(1) is granted, the applicant is entitled to a pro rata refund of rent paid on the secondary tenement for the period commencing on the day on which the application is granted.

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- (4) When calculating a pro rata refund for the purposes of subregulation (3) only whole months of the period referred to in that subregulation are to be the subject of the refund.

[Regulation 70A inserted in Gazette 2 October 1987 pp.3819-20; amended in Gazette 24 June 1994 p.2932; 13 October 1995 pp.4818-9.]

70B. Agreement as to priority

A written agreement referred to in section 105A(3) shall be lodged within 60 days of the day on which the applications for licences or leases, as the case may be, were lodged.

[Regulation 70B inserted in Gazette 31 May 1991 p.2699.]

70C. Refund where licence substituted or lease refused

- (1) Where an application for a mining lease or general purpose lease is made under section 49, section 67 or section 70L and a lease is granted, the applicant is entitled to a pro rata refund of the balance of any portion of unused rent which has been paid on the prospecting licence, exploration licence or retention licence formerly held by the applicant.
- (2) Where an application described in subregulation (1) is refused, and the term of the prospecting licence, exploration licence or retention licence held by the applicant has been extended beyond its normal expiry date under section 49, section 67 or section 70L, the applicant shall receive a pro rata refund of any portion of unused rent which has been paid on the licence.
- (3) When calculating a pro rata refund for the purposes of this regulation, only whole months of the term that is remaining shall be the subject of refund.

[Regulation 70C inserted in Gazette 31 May 1991 p.2699; amended in Gazette 24 June 1994 p.2932.]

70D. Refund when retention licence granted or refused

- (1) Where an application for a retention licence is made by the holder of a primary tenement under section 70C of the Act and the licence is granted, the applicant is entitled to a pro rata refund of the balance of any portion of the unused rent which has been paid on the primary tenement by the applicant.
- (2) Where an application described in subregulation (1) is refused and the term of the primary tenement has been extended —
 - (a) beyond its normal expiry date under section 70C(6) of the Act; and
 - (b) for a period of 30 days following that refusal under section 70C(6)(b) of the Act,

the applicant is entitled to a pro rata refund of the balance of any portion of the unused rent which has been paid on the primary tenement by the applicant.

- (3) When calculating a pro rata refund for the purposes of this regulation, only whole months of the term that is remaining shall be the subject of the refund.

[Regulation 70D inserted in Gazette 24 June 1994 p.2932.]

Division 3 — Boundary marks

71. Boundary marks to be maintained

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

[Regulation 71 amended in Gazette 16 November 1990 p.5729.]

72. No liability for mining if boundary marks not maintained

If posts or 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

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posts are replaced, or the trenches or other sufficient boundary marks are renewed, and notice in writing is given to him to withdraw.

[Regulation 72 amended in Gazette 16 November 1990 p.5729.]

73. Holder to identify boundaries

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, trenches and other boundary marks of the tenement or by supplying a plan or description thereof.

[Regulation 73 amended in Gazette 16 November 1990 p.5729.]

74. False documents/notices not to be posted

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

[Heading inserted in Gazette 2 October 1987 p.3820.]

74A. Means of fossicking

- (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 inserted in Gazette 20 October 1987 p.3820.]

Division 4 — Transfers, caveats, mortgages

75. Transfer of tenement

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, 60 or 70F 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 —
 - (i) a mining tenement is encumbered by a mortgage; or
 - (ii) a share in a mining tenement is encumbered by a mortgage and the transfer affects that share,the transfer shall be accompanied by the written consent of the affected mortgagee.

*[Regulation 75 amended in Gazette 31 May 1991 p.2699;
24 June 1994 p.2933.]*

76. Separate caveat for each tenement

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

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76A. Withdrawal of caveats

One or more caveats may be withdrawn by lodging a withdrawal of caveat in Form 24A in the First Schedule with the prescribed fee.

[Regulation 76A inserted in Gazette 31 July 1992 p.3776.]

76B. Notification of registration of surrender

For the purposes of section 120A(2), notification of the registration of a surrender under section 26A or 65 shall be a notice of the registration of the surrender sent, by or on behalf of the Minister, by certified mail to the caveator.

[Regulation 76B inserted in Gazette 24 June 1994 p.2933.]

77. Mortgage and priority of mortgages

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 with the prescribed fee; 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.

[Regulation 77 amended in Gazette 31 May 1991 p.2699.]

78. Effect of mortgage

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.

79. Covenants included in mortgage

- (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

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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.

80. Mortgagee's expenses may be added to security

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.

81. Transfer under powers contained in mortgage

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.

82. Redemption of mortgage

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.

83. Discharge of mortgage

When the debt or liability secured by a mortgage has been fully paid or discharged the mortgagee shall lodge an instrument of discharge, in Form 26 or 26A, as applicable, in the First Schedule with the prescribed fee and the instrument of lease or licence (if issued).

[Regulation 83 amended in Gazette 31 July 1992 p.3776.]

84. Transfer of mortgage

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

85. Interpretation of Division

(1) In this Division, unless the contrary intention appears —

“**concentrate**” means the product of a process of extraction of metal or a metallic mineral from mineral ore that results in substantial enrichment of the metal or metallic mineral concerned;

“**nickel by-product**” means a by-product or co-product of nickel mining or processing;

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“quarter” means any one of the 3 monthly periods of any year ending on 31 March, 30 June, 30 September or 31 December;

“realised value”, in relation to a mineral other than gold, means —

- (a) if exported, the realised value of the mineral f.o.b.; or
- (b) if not exported, the realised 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;

“related corporation” means a corporation that is, under section 50 of the Corporations Law, said to be related for the purposes of that Law.

- (2) In this Division a reference to a mineral includes a reference to a material containing that mineral.

[Regulation 85 inserted in Gazette 16 June 2000 p.2953.]

85AA. Effect of GST etc. on royalties

- (1) For the purposes of this Division, a reference to a realised value, or a price, of a mineral is to be treated as a reference to that value or price, reduced by an amount equal to the net GST (if any) payable on the supply to which the value or price relates.
- (2) For the purposes of this Division, a reference to the value of a mineral at a particular point in its production (other than its supply), or in a particular form, is to be treated as a reference to that value, reduced by an amount equal to the amount of GST that would be payable if the mineral were supplied at that point, or in that form.
- (3) If, when determining a value or price of a mineral (for the purposes of this Division), an amount (an **“expense”**) that relates to obtaining that mineral may be deducted from another amount, the amount that may be deducted is reduced by an

amount equal to the net input tax credit (if any) that arises in relation to the expense.

- (4) The **“net input tax credit”** that arises in relation to an expense is —
- (a) the input tax credit that arises in relation to that expense; plus
 - (b) the sum of any decreasing adjustments in relation to that expense; minus
 - (c) the sum of any increasing adjustments in relation to that expense.
- (5) In this regulation, **“decreasing adjustment”**, **“GST”**, **“increasing adjustment”**, **“input tax credit”**, **“net GST”** and **“supply”** have the respective meanings given by section 195-1 of the *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth.

[Regulation 85AA inserted in Gazette 16 June 2000 pp.2953-4.]

85A. Monthly production report

- (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 other than gold 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.
- (1a) 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 gold metal is to be regarded because of regulation 86AA as having been produced from gold bearing material produced or obtained from the mining tenement or land furnish the Director General of Mines with a monthly production report regarding that month in the form No. 27A in the First Schedule.

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

*[Regulation 85A inserted in Gazette 20 May 1988 p.1705;
amended in Gazette 3 October 1997 p.5530.]*

85B. Royalty return

- (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 realised value of the mineral;
 - (d) the method of calculating the realised value of the mineral including details of any costs deducted to calculate the realised value;
 - (e) in the case of a mineral other than gold, 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 inserted in Gazette 20 May 1988 p.1705;
amended in Gazette 3 October 1997 p.5530.]*

86. Rates of royalty

- (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 realised value	The rate as specified hereunder
Aggregate	30 cents		<p>\$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.</p> <p>The rate is —</p> <p>(a) if sold as a concentrate, 5% of the realised value;</p> <p>(b) if sold in metallic form, 2½% of the realised value; or</p> <p>(c) if sold as a nickel by-product —</p> <p>(i) in the period beginning on 1 July 2000 and ending on 30 June 2005 —</p> <p>(I) 2½% of the realised value; or</p> <p>(II) if an election is made under regulation 86AB(2), the rate calculated in accordance with the formula set out in subparagraph (ii);</p> <p>(ii) after 30 June 2005, the rate calculated in accordance with the following formula —</p> $P \times \frac{U}{100} \times \frac{2.5}{100} = \$R \text{ per tonne}$
Attapulgitite		5%	
Bauxite		7½%	
Building Stone	50 cents		
Chromite		5%	
Clays	30 cents		
Coal (including lignite) — not exported			
— exported		7½%	
Cobalt			

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Mineral	Column 1	Column 2	Column 3
	Amount per tonne according to quantity produced or obtained	Percentage of the realised value	The rate as specified hereunder
Construction Limestone Copper	30 cents		<p>Where —</p> <p>P = the gross cobalt metal price per tonne f.o.b. or its computed equivalent used for the purpose of calculating the actual sale price of cobalt metal in the nickel by-product (under usual conditions of sale, without special discounts);</p> <p>U = the number of units per hundred of cobalt metal in the nickel by-product sold;</p> <p>R = the royalty.</p> <p>The rate is —</p> <p>(a) if sold as a concentrate, 5% of the realised value;</p> <p>(b) if sold in metallic form, 2½% of the realised value; or</p> <p>(c) if sold as a nickel by-product after 30 June 2005, the rate calculated in accordance with the following formula —</p> $P \times \frac{U}{100} \times \frac{2.5}{100} = \$R \text{ per tonne}$ <p>Where —</p> <p>P = the gross copper metal price per tonne f.o.b. or its computed equivalent used for the purpose of calculating the actual sale price of copper metal in the nickel by-product (under usual conditions of sale, without special discounts);</p> <p>U = the number of units per hundred of copper metal in the nickel by-product sold;</p> <p>R = the royalty.</p>
Diamond Dolomite Feldspar	30 cents	7 ½% 5%	

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Mineral	Column 1	Column 2	Column 3
	Amount per tonne according to quantity produced or obtained	Percentage of the realised value	The rate as specified hereunder
Garnet			The rate shall be — (a) 5% for the usual grades of garnet including that used for sand blasting and filtration; (b) 2 ½% for higher technology grades including that used for garnet paper and polishing purposes, of the realised value, calculated on the basis of the nearest available port if exported.
Gems and Precious Stones		7 ½%	
Gravel	30 cents		
Gypsum	30 cents		
Ilmenite			5% of the realised value 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.
Iron Ore — lump ore		7.5%	
fine ore		5.625%	
beneficiated ore		5%	
Kaolin		5%	
Lead			The rate is — (a) if sold as a concentrate, 5% of the realised value; or (b) if sold in metallic form, 2½% of the realised value.
Leucoxene		5%	
Lithium Minerals		5%	
Manganese		7 ½%	

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Mineral	Column 1	Column 2	Column 3
	Amount per tonne according to quantity produced or obtained	Percentage of the realised value	The rate as specified hereunder
Manganese (beneficiated by the producer in Western Australia otherwise than by washing, drying, crushing or screening)	50 cents	5%	<p>In accordance with the following formula:</p> $\frac{P}{100} \times \frac{U \cdot 2.5}{100} = \$ R \text{ per tonne}$ <p>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).</p> <p>Where U = the number of units per hundred of nickel metal in the nickel-containing products sold.</p> <p>Where R = the royalty.</p>
Metallurgical limestone inc. limesands and shellsands			
Nickel			
Ochre		5%	
Platinoids		2 ½%	
Rock		30 cents	
Rutile		5%	
Salt		30 cents	
Sand		30 cents	
Semi-precious stones (including specimen stones)		7 ½%	
Silica		50 cents	
Silver		2 ½%	
Spongolite		5%	
Talc		50 cents	
Tantalum		2 ½% of the realised value when sold as concentrate; or 2 ½% of the value in concentrate form if processed further before sale.	
Tin		2 ½% of the realised value of tin metal when sold in that form; or, when sold in any other form, 2 ½% of the value of the contained tin calculated at the ruling price of tin metal used for the purpose of the sale.	

Mineral	Column 1	Column 2	Column 3
	Amount per tonne according to quantity produced or obtained	Percentage of the realised value	The rate as specified hereunder
Vanadium			The higher of — (a) 5% of the amount calculated by deducting from the realised value of vanadium pentoxide produced from the vanadium such costs of producing that vanadium pentoxide as are allowed by the Minister after consultation with the person liable to pay the royalty; and (b) 1.5% of the realised value of vanadium pentoxide produced from the vanadium.
Zinc			The rate is — (a) if sold as a concentrate, 5% of the realised value; or (b) if sold in metallic form, 2½% of the realised value.
Zircon		5%	

[Regulation 86 amended in Gazette 6 August 1982 p.3099; 21 August 1987 p.3268; 20 May 1988 p.1706; 22 June 1990 p.3073; 18 December 1992 p.6127; 19 May 1995 p.1881; 15 December 1995 p.6115; 3 October 1997 p.5531; 17 March 1998 pp.1434-5; 19 November 1999 pp.5791-2; 16 June 2000 pp.2954-6; 30 June 2000 pp.3473-4.]

86AA. Rates of royalty in respect of gold

- (1) When gold metal is produced from gold bearing material that was produced or obtained from a mining tenement, royalties shall be paid by the holder of, or applicant, for the mining tenement.
- (2) No royalty is payable in respect of gold metal produced before the commencement of the period referred to in subregulation (3).
- (3) The rate of royalty payable for gold metal produced during the period commencing on 1 July 1998 and ending on 30 June 2000 is 1.25% of the realised value of the gold metal produced.

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- (4) Subject to subregulation (5), the rate of royalty payable for gold metal produced after 30 June 2000 is 2.5% of the realised value of the gold metal produced.
- (5) If, during the period commencing on 1 July 2000 and ending on 30 June 2005, the average gold spot price for a quarter is less than \$450 per ounce in Australian currency, the rate of royalty payable for gold metal produced during that quarter is 1.25% of the realised value of the gold metal produced.

[(5a) and (5b) repealed]

- (6) Despite anything in this regulation, no royalty is payable in respect of the first 2 500 ounces of gold metal produced during a financial year from gold bearing material produced or obtained from the same gold royalty project.
- (7) The realised value of gold metal produced shall be calculated for each month in the relevant quarter by multiplying the total gold metal produced during that month by the average of the gold spot prices for that month.
- (8) If gold bearing material is delivered to a refinery within 3 months after it, or gold bearing material from which it was produced, was taken from the ground —
 - (a) gold metal is to be regarded as being produced from the gold bearing material at the time of delivery to the refinery; and
 - (b) the amount of gold metal that is to be regarded as being produced from gold bearing material delivered within a particular period is to be —
 - (i) the amount actually produced as ascertained by the Director General of Mines from the deliverer after that amount has been verified by the refiner; or
 - (ii) the amount determined by the Director General of Mines, after consultation with the deliverer, to be a reasonable estimate of the gold metal content.

- (9) If gold bearing material is produced or obtained in a form that is acceptable for delivery to a refinery but subregulation (8) does not apply —
- (a) gold metal is to be regarded as being produced from the gold bearing material at the time that a determination is made under paragraph (b) as to the amount of gold metal that the gold bearing material contained; and
 - (b) the amount of gold metal that is to be regarded as being produced from the gold bearing material is to be the amount determined by the Director General of Mines, after consultation with the person liable to pay the royalty, to be a reasonable estimate of the gold metal content.
- (10) If —
- (a) after an amount has been determined under subregulation (8)(b)(ii) to be a reasonable estimate of the gold metal content of gold bearing material delivered to a refinery, the Director General of Mines is satisfied by information given by the deliverer that the amount of gold metal actually produced from that gold bearing material differs from the estimated amount; or
 - (b) after an amount has been determined under subregulation (9)(b) to be a reasonable estimate of the gold metal content of gold bearing material, the Director General of Mines is satisfied by information given by the deliverer that the gold bearing material was delivered to a refinery and the amount of gold metal actually produced from that gold bearing material differs from the estimated amount,

any necessary adjustment is to be made and may be taken into account in the next royalty payment made after that information is given to the Director General of Mines.

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(11) In this regulation —

“deliverer” means the person who produces the gold bearing material that is delivered to a refinery;

“gold bearing material” is material of any kind containing gold;

“gold metal” means gold that is at least 99.5% pure;

“gold royalty project” means —

(a) subject to subregulation (12), the mining tenement or, if there is more than one, all mining tenements from which anyone produces or obtains gold bearing material that is treated or processed at a common —

(i) treatment facility; or

(ii) combination of treatment facilities;

or

(b) such other arrangement for producing, obtaining or treating of gold bearing material as is designated by the Minister under subregulation (13)(a);

“gold spot price” means —

(a) the price fixed on the London Bullion Market for gold metal and known as the “London PM Fix”, as converted to Australian currency by using the daily representative rate used by the Reserve Bank of Australia; or

(b) such other price as is determined by the Minister under subregulation (13)(b);

“mining tenement” includes land the subject of an application for a mining tenement;

“refiner” means the operator of a refinery;

“refinery” means a place where gold metal is produced;

“treatment facility” means any plant at which gold bearing material is treated or processed, but does not include a refinery.

- (12) The Director General of Mines may approve in writing of mining tenements being treated as separate gold royalty projects, as specified in the approval, if satisfied that they are not all held by the same person or by persons between whom the Director General of Mines considers there to be a connection such that the mining tenements can fairly be treated as forming part of the same gold royalty project.
- (13) The Minister may, by notice published in the *Gazette* —
- (a) designate an arrangement for producing, obtaining or treating gold bearing material for the purposes of paragraph (b) of the definition of “gold royalty project” in subregulation (11), or amend or revoke any such designation; or
 - (b) determine a price for the purposes of paragraph (b) of the definition of “gold spot price” in subregulation (11), or amend or revoke any such determination.

[Regulation 86AA inserted in Gazette 3 October 1997 pp.5531-3; amended in Gazette 24 April 1998 p.2153; 14 April 2000 p.1891.]

86AB. Optional royalty rate for cobalt sold as a nickel by-product

- (1) In this regulation —
- “**optional royalty period**” means the period beginning on 1 July 2000 and ending on 30 June 2005;
- “**optional royalty rate**” means the rate of royalty calculated in accordance with the formula set out in paragraph (c)(ii) of the item relating to cobalt in column 3 of the Table to regulation 86.
- (2) A person liable to pay royalties for cobalt during the optional royalty period may elect, in writing, to pay the optional royalty rate in respect of all cobalt sold as a nickel by-product by that person.

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- (3) An election under subregulation (2) is to be made —
 - (a) in the manner and form approved by the Director General of Mines; and
 - (b) before the end of the first quarter in respect of which the optional royalty rate is to apply.
- (4) An election under subregulation (2) cannot be revoked.
- (5) Despite anything in regulation 86, if a person makes an election under subregulation (2), no royalty is payable in respect of the first 300 tonnes of cobalt sold as a nickel by-product by that person during —
 - (a) the period beginning on the first day of the first quarter in respect of which the optional royalty rate applies and ending on the next 30 June; or
 - (b) any subsequent financial year in the optional royalty period.
- (6) If an election is made under subregulation (2) by 2 or more persons who are —
 - (a) the holders of, or applicants for, the same mining tenement; or
 - (b) related corporations,

then those persons are taken to be the same person for the purposes of subregulation (5).

[Regulation 86AB inserted in Gazette 16 June 2000 pp.2956-7.]

86A. Time for payment of royalties to Department

Royalties shall be paid to the Department at Perth in respect of a mineral within 30 days after the end of —

- (a) the quarter during which the relevant amount of the mineral was produced or obtained;

- (b) the quarter during which —
 - (i) in the case of gold, the gold metal is to be regarded because of regulation 86AA as having been produced;
 - (ii) in the case of any other mineral the royalty for which is based on realised value, the value of the mineral (or any of that value) was realised;

or

- (c) the quarter during which, in the case of nickel or a nickel by-product the royalty for which is not based on realised value, the mineral was sold.

[Regulation 86A inserted in Gazette 3 October 1997 p.5533; amended in Gazette 16 June 2000 p.2957.]

86B. Tenement within Carnarvon Irrigation District

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.]

[86C. Repealed in Gazette 3 October 1997 p.5533.]

86D. Exemption in respect of certain clay, gravel, limestone, rock or sand

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. Exemption in respect of rock for the Eyre Highway

Notwithstanding regulation 86, no royalty is payable on rock sold by Central Norseman Gold Corporation Ltd to the department principally assisting the Minister to whom the administration of the *Main Roads Act 1930* is committed in the administration of that Act, where that rock is to be used in the upgrading of the Norseman section of the Eyre Highway.

[Regulation 86E inserted in Gazette 3 July 1992 p.2973; amended in Gazette 4 April 1997 p.1779.]

86F. Royalty relief

- (1) Despite anything in regulation 86 or 86AA, if the Minister is satisfied in a particular case that there are circumstances justifying royalty relief, the Minister may determine that in that case the rate of royalty payable —

- (a) under regulation 86, for any mineral produced or obtained while the determination is expressed to apply; or
- (b) under regulation 86AA, for gold metal produced while the determination is expressed to apply,

is to be on the basis of a portion only, as specified in the determination, of the royalty base.

- (2) Despite regulation 86A, a determination under subregulation (1) may also specify the time and manner of payment of royalties.

- (3) In this regulation —

“circumstances justifying royalty relief” means circumstances that meet criteria for the giving of royalty relief that the Minister has published in the *Gazette*;

“gold metal” has the same meaning as it has in regulation 86AA(11);

“royalty base” means —

- (a) in the case of gold metal, the realised value of the gold metal in respect of which the rate of royalty is payable;
- (b) in the case of any other mineral, anything by reference to which regulation 86 fixes the rate of royalty payable for that mineral.

[Regulation 86F inserted in Gazette 14 April 2000 pp.1891-2]

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

- (1) Where a royalty has been paid under regulation 86 or 86AA and the Minister is of the opinion that the realised 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 realised 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 minimising the royalty payable, the Minister shall determine the value of the mineral in accordance

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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 or 86AA as if that value was the realised value.

[Regulation 87 inserted in Gazette 20 May 1988 p.1706; amended in Gazette 3 October 1997 p.5533.]

87A. Notice of determination and assessment under regulation 87

- (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 inserted in Gazette 20 May 1988 p.1706.]

87B. Records

- (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 inserted in Gazette 20 May 1988 p.1706.]

[88. Repealed in Gazette 31 May 1991 p.2699.]

89. Recovery of royalty

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.

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90. Forms to be completed in accordance with directions

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

91. Appeal to Minister

(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

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lodged at the Department at Perth within 14 days of the date of the grant or refusal, as the case requires, by a mining registrar or 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; 13 October 1995 p.4819.]

92. Shape of tenement

The shape of a mining tenement other than a graticular exploration licence, 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.

[Regulation 92 amended in Gazette 31 May 1991 p.2699.]

93. Rent payable on tenements

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.

[94, 94A. Repealed in Gazette 24 June 1994 p.2933.]

95. Tenements within more than one mineral field or district

- (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.]

96. Release of information contained in reports

- (1) In this regulation —
 - “**combined mineral exploration report**” means a combined mineral exploration report filed in accordance with arrangements referred to in section 115A(4);
 - “**mineral exploration report**” includes a combined mineral exploration report;
 - “**operations report**” has the same meaning as in section 115A(1);
 - “**release**” means publish, print, reproduce or otherwise make available to the public.
- (2) The Minister may only release information contained in a mineral exploration report, an operations report or a report required under regulation 36(d) or 41(d) —
 - (a) with the written consent of the holder for the time being of the mining tenement the subject of the information or of a mining tenement granted in renewal or substitution of that mining tenement;

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- (b) after the expiry of the period of 3 months immediately following the surrender, forfeiture, expiry or cancellation of the mining tenement the subject of the information or of a mining tenement granted in renewal or substitution of that mining tenement;
 - (c) in accordance with subregulation (4); or
 - (d) in the case of a combined mineral exploration report, in accordance with subregulation (7).
- (3) Despite subregulation (2), a person may, on payment of the prescribed fee, obtain at the Department at Perth a copy of the front page of an operations report in the form No. 5 in the First Schedule, together with either Attachment 1 — “Summary of Mineral Exploration/Mining Activities” or Attachment 2 — “Summary of Prospecting and/or Small Scale Mining Activities”, as the case may be.
- (4) Subject to subregulation (5), the Minister may release information contained in a mineral exploration report, operations report or report required under regulation 36(d) or 41(d) that has been held at the Department for a period of 10 years or more.
- (5) The Minister may, upon the written application of the holder of a mining tenement the subject of information in a report referred to in subregulation (4) or of a mining tenement granted in renewal of or substitution for such a mining tenement, refuse to release information contained in the report for a further period or further periods not exceeding 5 years in each case.
- (6) An application under subregulation (5) shall set out the reasons why the information contained in the report should not be released immediately.
- (7) If —
 - (a) a mining tenement, or part of a mining tenement, the subject of information in a combined mineral exploration report is surrendered, forfeited or expires or is cancelled; and

- (b) the former holder of that mining tenement or that part of the mining tenement fails to provide a separate mineral exploration report in respect of the mining tenement or part of the mining tenement within the period of 3 months immediately following its surrender, forfeiture, expiry or cancellation,

the Minister may, at the expiry of the period referred to in paragraph (b), release information relating to any mining tenement contained in the combined mineral exploration report.

[Regulation 96 inserted in Gazette 13 October 1995 pp.4819-20; amended in Gazette 11 June 1999 p.2544.]

96A. Authorisation for release of information in mineral exploration reports

- (1) If the copyright in a mineral exploration report or part of a mineral exploration report is owned by a person other than the holder of the mining tenement to which the report relates, the holder shall, before filing the report, take all reasonable steps to obtain the authorisation of the owner of the copyright to the release of information contained in the report in accordance with regulation 96.
- (2) When filing a mineral exploration report at the Department, the holder of a mining tenement shall —
 - (a) if the holder is the owner of the copyright in the report or a part of the report, authorise in writing the release of information contained in the report or the relevant part of the report in accordance with regulation 96;
 - (b) if the copyright in the report or a part of the report is owned by a person other than the holder, state in writing whether or not the authorisation of the owner of the copyright to the release of information in the report or the relevant part of the report has been obtained and, if not, state in writing what steps have been taken to obtain that authorisation; and

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- (c) if the copyright in a part of the report is owned by a person other than the holder, ensure that the report is marked in a manner approved by the Director General of Mines to enable that part to be identified.
- (3) The holder of a mining tenement shall not be regarded as having complied with the guidelines referred to in section 115A in relation to the filing of a mineral exploration report, unless the holder has complied with subregulation (2) in relation to that report.

[Regulation 96A inserted in Gazette 13 October 1995 p.4820; amended in Gazette 15 December 1995 p.6115.]

96B. Publication of guidelines — mineral exploration reports

The guidelines referred to in section 115A shall be published in the *Government Gazette* in a form approved by the Director General of Mines.

[Regulation 96B inserted in Gazette 13 October 1995 p.4820.]

96C. Specific expenditure provisions

- (1) The cost of an Aboriginal heritage survey conducted on land which is the subject of a mining tenement may be used in the calculation of expenditure expended on, or in connection with, mining on the mining tenement.
- (2) Where the cost of a survey is claimed under subregulation (1) —
 - (a) a copy of the survey must be submitted to the Registrar of Aboriginal Sites (appointed under section 37 of the *Aboriginal Heritage Act 1972*) as soon as practicable; and
 - (b) evidence that the survey has been submitted to the Registrar of Aboriginal Sites must be provided to the Department.

- (2a) Annual tenement rent (including the rent for the first year of the term of the mining tenement) and local government rates relating to land which is the subject of a mining tenement may be used in the calculation of expenditure expended on, or in connection with, mining on the mining tenement.
- (3) Administration and land access costs relating to land which is the subject of a mining tenement may be used in the calculation of expenditure expended on, or in connection with, mining on the mining tenement, but only up to 20% of the minimum commitment, or 20% of the total expenditure on the mining tenement, whichever is the greater amount.
- (4) The following costs and payments cannot be used in the calculation of expenditure expended on, or in connection with, mining on the mining tenement —
- (a) the cost of marking out mining tenements;
 - (b) any costs associated with the acquisition or sale of mining tenements;
 - (c) research activities not directly related to a specific tenement;
 - (d) compensation payments made in respect to the mining tenement.

*[Regulation 96C inserted in Gazette 11 June 1999 p.2545;
amended in Gazette 21 January 2000 p.344.]*

97. No mining that obstructs public thoroughfares, etc.

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.

98. Control of detritus, dirt, etc.

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

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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.

99. Decency and sanitation

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.

100. Removal of fences, timbers, etc.

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.

101. Warden may cause inspections of mining operations

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.

102. Devolution on death, etc.

- (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.

103. Unregistered deeds, etc. void as against registered instruments

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.

104. Time for any act may be extended

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.

105. Application for copy document

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.

106. Register to be kept and copy obtainable

- (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.
- (1a) The register may be kept wholly or partly on paper, or may be wholly or partly recorded or stored by means of any mechanical, electronic or other device.
- (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).

- (3) A copy for the purposes of subregulation (2) may, at the discretion of the Director General of Mines or a person authorised by him, be —
- (a) in writing;
 - (b) a photographic reproduction;
 - (c) a printout produced by mechanical or electronic means;
or
 - (d) a combination of any or all of the methods referred to in paragraphs (a), (b) and (c).

*[Regulation 106 amended in Gazette 31 May 1991 p.2700;
4 April 1997 p.1779.]*

107. Amendment of particulars shown in register

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.

107A. Dating and effect to be given to provisional lodgement

- (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 authorised 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;

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- (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 authorised 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.3820-1.]*

108. Appointment of attorney

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.

109. Fees and rents

- (1) Subject to subregulation (2), fees and rents payable under the Act are prescribed in the Second Schedule.
- (2) The bailiff fees set out in Part II of the Appendix to the *Local Court Rules 1961* are, so far as they are applicable, prescribed

as the bailiff fees payable in relation to proceedings under the Act.

[Regulation 109 inserted in Gazette 2 October 1987 p.3821; amended in Gazette 4 April 1997 p.1779.]

109A. Rent increase to cover GST

- (1) If an annual rent prescribed in item 1 of the Second Schedule is payable for a period any of which is after 30 June 2000, the total amount of the annual rent payable is increased by the amount of the GST component.

- (2) The GST component of an annual rent is to be calculated according to the following formula —

$$\text{GST component} = (\text{AR}/10) \times (\text{GST period}/366)$$

where —

AR is the relevant annual rent prescribed in item 1 of the Second Schedule; and the

GST period is the number of days that are in the period after 30 June 2000.

[Regulation 109A inserted in Gazette 8 February 2000 p.454.]

110. Registration of dealings

- (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 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).

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[Regulation 110 amended in Gazette 12 November 1982 p.4491; 31 July 1992 p.3776; 4 April 1997 p.1779.]

111. Service of notices

- (1) Unless otherwise provided in the Act or these regulations, any notice, order, process, or other document, required or authorised 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.

112. Securities

- (1) For the purposes of section 126, 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 or 70F a sum approved by the Minister;
 - (b) under section 52 \$500; and
 - (c) under section 60 \$5 000.
- (2) For the purposes of sections 52 and 60, the applicant shall lodge a security within 28 days of lodging the application to which the security relates.

[Regulation 112 amended in Gazette 13 October 1995 p.4821; 4 April 1997 p.1779.]

112A. Discharge of security

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.]

113. Employees not to use information

A person employed by the Department in any capacity who uses for the purpose of personal gain any information that comes to

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his knowledge in the course of, or by reason of, his employment with the Department commits an offence.

113A. General power for wardens to administer oaths

In addition to the powers set out in section 138 of the Act (*permitting a warden, etc., to administer an oath in relation to "proceedings in a warden's court"*), a warden, the mining registrar or other person acting as the clerk of the warden's court may also administer an oath for the purposes of taking evidence in proceedings that are not "proceedings in a warden's court".

[Regulation 113A inserted in Gazette 21 January 2000 pp.344-5.]

114. Warden's order not to be disobeyed

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

115. General penalty

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 \$5 000 and if the offence is a continuing one to a fine not exceeding \$1 000 for each day or part thereof during which the offence has continued.

[Regulation 115 amended in Gazette 31 July 1992 p.3776.]

Part VI — Surveys

[Heading inserted in Gazette 30 May 1986 p.1840.]

116. Interpretation in Part VI

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 Mineral Titles Division of the Department under Part 3 of the *Public Sector Management Act 1994*.

[Regulation 116 inserted in Gazette 30 May 1986 p.1840; amended in Gazette 13 October 1995 p.4821.]

117. Approved surveyors

(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* or a procedure approved by the Director; and

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- (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.

*[Regulation 117 inserted in Gazette 30 May 1986 p.1840;
amended in Gazette 2 July 1993 p.3272.]*

118. Initiation of mining surveys

- (1) Subject to subregulation (2), the Director shall —
 - (a) when a mining survey is ordered to be made under section 47(1), 58(2)(b) or 70G(1) 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.

- (2) Subregulations (1)(b) and (c) do not apply to applications lodged on or after 1 July 1991.
- (3) Subject to regulation 118C, a survey of a mining lease under section 80 of the Act, or of a general purpose lease under section 90 of the Act may be arranged by the holder of the tenement and carried out at any time, but if the Director directs,

by written notice given to the holder of the tenement, that a survey be arranged and carried out, the holder of the tenement must arrange for a survey to be carried out within the time specified in the notice.

[Regulation 118 inserted in Gazette 30 May 1986 p.1840; amended in Gazette 21 June 1991 p.3056; 24 June 1994 p.2933.]

118A. Notice of proposed mining surveys

- (1) Where the Director proposes to carry out a mining survey of a tenement, the Director shall serve by post notice of that fact on —
 - (a) the applicant for or holder of the tenement concerned; and
 - (b) an applicant for or a holder of any adjoining tenement.
- (2) Where the lessee proposes or is required to carry out a mining survey of a tenement on or after 1 July 1991, the approved surveyor who is to carry out the survey shall serve by post notice of that fact on an applicant or a holder of any adjoining tenement.
- (3) The Director shall provide an approved surveyor with the details of adjoining tenement applicants and holders for the purposes of complying with subregulation (2), when requested to do so by the approved surveyor.

[Regulation 118A inserted in Gazette 16 November 1990 p.5729; amended in Gazette 21 June 1991 p.3056.]

118B. When mining surveys are to be carried out

A mining survey, in relation to a lease application lodged after 1 July 1991 —

- (a) shall, when required by the Director, be arranged by the applicant as soon as possible; or

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- (b) may, where the Director has not indicated that a mining survey is required at any particular time, be arranged by the applicant at any time.

[Regulation 118B inserted in Gazette 21 June 1991 p.3056.]

118C. Refund of certain survey fees

- (1) Where a prescribed survey fee was paid under the Act before the commencement of section 28 of the *Mining Amendment Act 1993*³ but a mining survey has not yet been arranged, the Director General of Mines may, on written application by the applicant for, or holder of, the tenement concerned, refund the survey fee.
- (2) Where a survey fee is refunded under subregulation (1), the Director may give a written notice to the applicant or tenement holder (as the case may be) specifying a time within which a survey must be arranged.
- (3) Where a survey fee is refunded under subregulation (1), the applicant for, or holder of, the tenement concerned must arrange and pay for a mining survey of the tenement to be carried out by an approved surveyor —
 - (a) within the time period specified in a notice given under subregulation (2); or
 - (b) if no notice is given under subregulation (2), at any time.

[Regulation 118C inserted in Gazette 24 June 1994 pp.2933-4.]

119. Boundary marks to be pointed out

- (1) 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.

- (2) Subregulation (1) does not apply where the application giving rise to the mining survey is lodged on or after 1 July 1991.

[Regulation 119 inserted in Gazette 30 May 1986 p.1840; amended in Gazette 21 June 1991 p.3056.]

120. Adjustment of boundaries

- (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 first-mentioned tenement, the approved surveyor shall excise from the area of the first-mentioned tenement the area of that encroachment.
- (4) The Director shall provide an approved surveyor with details relating to priority of adjoining tenements, for the purposes of complying with subregulation (3), when requested to do so by the approved surveyor.

[Regulation 120 inserted in Gazette 30 May 1986 p.1840; amended in Gazette 21 June 1991 p.3057.]

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120A. Disputes and objections in mining survey

- (1) If a dispute arises during a mining survey concerning the position of posts 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 the mining registrar, together with his own report on that matter for the benefit of the warden.
- (2a) Subregulations (1) and (2) do not apply where the application giving rise to the mining survey described in subregulation (1) is lodged on or after 1 July 1991.
- (3) After a mining survey, the Director shall serve by post on the persons referred to in regulation 118A(1), a copy of the documents referred to in regulation 120E and a covering letter.
- (3a) A person who has been served under subregulation (3) may, within 30 days of the date of the covering letter, lodge an objection as to the mining survey and the objection shall be lodged in the form No. 16 in the First Schedule at the office of the mining registrar.
- (3b) The warden may, on written application by a person served under subregulation (3), extend the time for lodging an objection to a period that he considers reasonable in the circumstances of the case.
- (4) Subject to section 135 of the Act, a dispute or objection referred or lodged under this regulation shall be heard by the warden's court.
- (5) When the 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 inserted in Gazette 30 May 1986 pp.1840-1; amended in Gazette 16 November 1990 p.5729; 21 June 1991 p.3057; 24 December 1993 p.6829.]

120B. Cost of travelling

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 inserted in Gazette 30 May 1986 p.1841.]

120C. Correction of errors or omissions

- (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 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, 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

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- (b) who did not complete a mining survey, or who made incorrect computations, 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 inserted in Gazette 30 May 1986 p.1841; amended in Gazette 21 June 1991 p.3057.]

120D. Cost of check surveys and of correction of errors to be met by approved surveyors

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 inserted in Gazette 30 May 1986 p.1841.]

120E. Report of surveyed tenements to be prepared

An approved surveyor shall cause to be prepared, for each tenement surveyed by him, a report in form 44 set out in the First Schedule, and shall cause that report to be lodged with the Director.

[Regulation 120E inserted in Gazette 5 July 1991 p.3359.]

Part VIA — Inspectors

[Heading inserted in Gazette 24 June 1994 p.2934.]

Division 1 — Inspectors

[Heading inserted in Gazette 24 June 1994 p.2934.]

120F. Assignment of inspectors for environmental purpose

- (1) The Director General of Mines may assign an inspector appointed under section 11 to carry out the duties and to exercise the powers set out in this Part.
- (2) Where the Director General of Mines has assigned an inspector under subregulation (1), the Director General must issue the inspector with a certificate of assignment which states —
 - (a) that the inspector is authorised to carry out those duties and exercise those powers set out in this Part; and
 - (b) that the inspector to whom the certificate is issued is entitled to act in the capacity of —
 - (i) an inspector; or
 - (ii) a senior inspector,as the case may be.
- (3) When an inspector or a senior inspector enters a mining tenement, he or she must produce the certificate to the holder of the mining tenement if asked to do so by the holder.
- (4) When an inspector or a senior inspector enters a mine, he or she must produce the certificate to the mine manager or the person ostensibly in charge of the mine if asked to do so.
- (5) A reference in this Part to an “inspector” or a “senior inspector” is a reference to the holder of a certificate under subregulation (1).

[Regulation 120F inserted in Gazette 24 June 1994 p.2934.]

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120G. Inspectors may enter mining tenement or mine

- (1) An inspector or a senior inspector may enter, inspect and inquire in respect of any mining tenement or mine —
 - (a) to establish the condition of that mining tenement or mine; or
 - (b) for any purpose related to the protection of the environment.
- (2) An inspector or a senior inspector may be accompanied by any person thought to be necessary by that inspector or senior inspector when entering a mining tenement or mine under subregulation (1), but the inspector or senior inspector, or person chosen to accompany him or her, must not unnecessarily impede or obstruct any operations.
- (3) A person who refuses entry to an inspector or a senior inspector, or who fails within a reasonable time to furnish an inspector or a senior inspector with the means to enter a mining tenement or mine that the inspector or senior inspector wishes to enter, commits an offence.

[Regulation 120G inserted in Gazette 24 June 1994 pp.2934-5.]

Division 2 — Directions to modify mining operations

[Heading inserted in Gazette 24 June 1994 p.2935.]

120H. Inspectors may issue directions

If an inspector or a senior inspector is of the opinion that a mine, or any activity in connection with that mine is likely to have or is having a significant adverse effect on the environment, that inspector or senior inspector may issue a written direction to modify mining operations to the mining tenement holder —

- (a) by delivering a copy of that direction to the person ostensibly in charge at the site of the relevant mine; or

- (b) in the absence of the person referred to in paragraph (a), by posting a copy to the mining tenement holder at that mining tenement holder's last known address.

[Regulation 120H inserted in Gazette 24 June 1994 p.2935.]

120I. Directions

A direction to modify mining operations must —

- (a) be in writing;
- (b) specify the operation or activity to be modified, and its effect or potential effect on the environment;
- (c) set out the reason for that effect or perceived effect;
- (d) specify a time and date within which compliance with the direction must take place; and
- (e) indicate that a review of the decision to issue that direction, or of the terms of that direction, may be sought within 7 days of the receipt of that direction in accordance with regulation 120J.

[Regulation 120I inserted in Gazette 24 June 1994 p.2935.]

120J. Review of direction

- (1) A mining tenement holder to whom a direction is issued, or the holder's agent, may request a review of the decision to issue that direction, or of the terms of that direction, by delivering a request in writing within 7 days of the receipt of that direction, to the State Mining Engineer, setting out the reasons for the request.
- (2) A mining tenement holder is not bound by a direction while a review of the direction is being sought or determined.
- (3) When reviewing a direction, the State Mining Engineer may take into account any active measures that have been taken by the mining tenement holder which result in substantial compliance with the direction and the State Mining Engineer may extend the time period for compliance with the direction if

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the State Mining Engineer is of the opinion that measures already taken by the mining tenement holder will be completed within the extended time period.

- (4) Upon the review of a direction, the State Mining Engineer is to determine that review by —
- (a) confirming the decision to issue a direction and confirming the terms of that direction, giving a new period for compliance;
 - (b) confirming the decision to issue a direction but modifying the terms of that direction, giving a new period for compliance; or
 - (c) revoking the direction.

[Regulation 120J inserted in Gazette 24 June 1994 pp.2935-6.]

120K. Compliance with directions

- (1) A mining tenement holder to whom a direction is issued and who has not requested a review of that direction, shall comply with the terms of that direction within the time period specified in that direction.
- (2) When a mining tenement holder to whom a direction is issued requests a review, or intends to request a review and a review is requested, if upon determination of that review —
 - (a) the decision to issue a direction is confirmed and the terms of that direction are confirmed, the mining tenement holder shall comply with the terms of that direction within the new time period specified in that direction;
 - (b) the decision to issue a direction is confirmed but the terms of that direction are modified, the mining tenement holder shall comply with the modified terms of that direction within the new time period specified in that direction; or

- (c) the direction is revoked, the mining tenement holder is not bound by the original direction.
- (3) A mining tenement holder who does not comply with subregulation (1) or (2) commits an offence.
- (4) A term of a contract or agreement that purports to exclude, restrict or modify a person's obligation to comply with a direction is void, and a person's obligation to comply with a direction is not affected by reason of surrender, forfeiture or expiry of the mining tenement.

[Regulation 120K inserted in Gazette 24 June 1994 p.2936.]

Division 3 — Stop Work Orders

[Heading inserted in Gazette 24 June 1994 p.2936.]

120L. Inspectors may issue Stop Work Orders

- (1) If an inspector or a senior inspector is of the opinion that —
 - (a) a mining tenement holder is not complying with a provision of the Act or these regulations;
 - (b) a mining tenement holder is not complying with the mining tenement conditions; or
 - (c) an accident or unexpected event has taken place or may take place at a mine under the control of a mining tenement holder,and as a result of that non-compliance, or accident or event, there is, or may be, a significant adverse effect on the environment, that inspector or senior inspector may issue a Stop Work Order to the mining tenement holder.
- (2) A Stop Work Order shall be issued —
 - (a) by delivering a copy of that Order to the person ostensibly in charge at the site of the relevant mine; or

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- (b) in the absence of the person referred to in paragraph (a), by posting a copy to the mining tenement holder at that mining tenement holder's last known address.
- (3) If an inspector intends to issue a Stop Work Order, that inspector must first obtain the approval of a senior inspector after explaining the nature of the effect or potential effect on the environment to that senior inspector.

[Regulation 120L inserted in Gazette 24 June 1994 pp.2936-7.]

120M. Stop Work Orders

A Stop Work Order must —

- (a) be in writing;
- (b) specify the operation or activity and its effect or the potential effect on the environment;
- (c) set out the mining operations to be stopped;
- (d) specify a time and date at or before which those mining operations are to stop;
- (e) show that it is issued by a senior inspector, or an inspector who has obtained the approval of a senior inspector; and
- (f) indicate that a review of the decision to issue that Order, or of the terms of that Order, may be sought within 14 days of the receipt of that Order in accordance with regulation 120N.

[Regulation 120M inserted in Gazette 24 June 1994 p.2937.]

120N. Review of a Stop Work Order

- (1) A mining tenement holder to whom a Stop Work Order is issued, or the holder's agent, may request a review of the decision to issue that Order, or of the terms of that Order, by delivering a request in writing within 14 days of the receipt of that Order by the mining tenement holder, to the Minister, setting out the reasons for the request.

- (2) The mining tenement holder shall ensure that mining operations which are specified as being the subject of a Stop Work Order stop in accordance with the Order regardless of whether a review is requested or not.
- (3) Upon receiving a request for a review of a Stop Work Order, the Minister shall obtain a report from the State Mining Engineer setting out details of the reasons given by the inspector or senior inspector for issuing the Order, together with the State Mining Engineer's recommendations on the matter.
- (4) Upon receiving the State Mining Engineer's report, the Minister may consult with a senior mining industry representative, nominated by the Australasian Institute of Mining and Metallurgy.
- (5) After receiving a report under subregulation (3) and, where appropriate, after consultation in accordance with subregulation (4), the Minister is to determine the review by —
 - (a) confirming the decision to issue a Stop Work Order and confirming the terms of that Stop Work Order;
 - (b) confirming the decision to issue a Stop Work Order but modifying the terms of that Stop Work Order; or
 - (c) revoking the Stop Work Order.
- (6) A determination under subregulation (5) must be in writing, and sent to the mining tenement holder's last known address within 14 days of the receipt by the Minister of the request for review.

[Regulation 120N inserted in Gazette 24 June 1994 pp.2937-8.]

1200. Compliance with Stop Work Orders

- (1) A mining tenement holder to whom a Stop Work Order is issued shall comply with the terms of that Order at or before the time specified in that Order.
- (2) A mining tenement holder to whom a Stop Work Order is issued shall not recommence mining operations which are the subject of a Stop Work Order unless —

Mining Regulations 1981

Part VIA Inspectors

Division 3 Stop Work Orders

r. 120O

- (a) written approval to do so has been obtained from either the Minister or a senior inspector; or
 - (b) a determination has been made under regulation 120N(5) allowing the mining tenement holder to do so.
- (3) A mining tenement holder who does not comply with subregulation (1) or (2) commits an offence.
- (4) A term of a contract or agreement that purports to exclude, restrict or modify a person's obligation to comply with a Stop Work Order is void, and a person's obligation to comply with an Order is not affected by reason of surrender, forfeiture or expiry of the mining tenement.

[Regulation 120O inserted in Gazette 24 June 1994 p.2938.]

Part VIB — Aerial photography

[Heading inserted in Gazette 13 October 1995 p.4821.]

120P. Interpretation in Part VIB

In this Part —

“**aerial photography**” means aerial photography for the purposes of mineral exploration;

“**contractor**” means a person who undertakes aerial photography;

“**the Director**” means the person for the time being holding or acting in the office of the Director of the Geological Survey Division of the Department.

[Regulation 120P inserted in Gazette 13 October 1995 p.4821.]

120Q. Information to be provided as to aerial photography

- (1) A contractor shall within one year of undertaking aerial photography provide the Director with the following information —
 - (a) a copy of the flight diagram;
 - (b) specifications of the aerial photography including —
 - (i) the date on which the aerial photography was undertaken;
 - (ii) the height at which the aerial photography was undertaken;
 - (iii) the focal length of the camera lens used for the aerial photography; and
 - (iv) whether the photographs taken were black and white or colour;
 - (c) his or her name and address;
 - (d) the name and address of the owner of the negatives;

r. 120R

- (e) if the owner of the negatives is not the owner of the copyright in the negatives, the name and address of the person who is the owner of the copyright; and
 - (f) the name and address of the person who commissioned the aerial photography.
- (2) A contractor who fails to comply with subregulation (1) commits an offence.

[Regulation 120Q inserted in Gazette 13 October 1995 pp.4821-2.]

120R. Register

- (1) The Director shall keep a register of the information provided under regulation 120Q.
- (2) The register shall be kept in such form as the Director thinks fit.
- (3) Subject to regulation 120S, the register shall be available for public inspection during the normal office hours of the Department.
- (4) Subject to regulation 120S, a person may, upon application to the Director, obtain a copy of an entry in the register.
- (5) The Director may amend, add to and correct the register in such manner as is necessary to make the register an accurate record of the information it contains.

[Regulation 120R inserted in Gazette 13 October 1995 p.4822.]

120S. Confidentiality of information

- (1) The Director may, at the request of an owner of negatives of aerial photography or a contractor, classify information referred to in regulation 120Q(d), (e) or (f) that relates to particular aerial photography as confidential for a period not exceeding 5 years from the date on which the aerial photography concerned was undertaken.

- (2) Despite regulation 120R(3) and (4), information that is classified as confidential under subregulation (1) shall not be made available to the public during the period that it is so classified.

[Regulation 120S inserted in Gazette 13 October 1995 p.4822.]

Part VII — Legal proceedings

121. Proceedings

- (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.

122. Lodgement, withdrawal of plaint

- (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.

123. Issue of summons

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.

124. Affidavit of service

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.

125. Time for service

- (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.

126. Notice of defence

When the defendant intends to dispute the claim he shall lodge at the office of the mining registrar not less than 30 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.

*[Regulation 126 amended in Gazette 24 June 1994 p.2938;
11 June 1999 p.2545.]*

127. Subpoena of witness

- (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.

r. 127A

127A. Persons before whom affidavit may be sworn

For the purposes of section 144(e) of the Act, the offices of —

- (a) Director; and
- (b) General Manager;
- (c) Manager; and
- (d) Co-ordinator,

of the Mineral Titles Division of the Department are prescribed as offices and classes of offices, so that the occupants of those offices are persons before whom affidavits to be used in a warden's court, or to be used before a warden or a mining registrar, may be sworn.

[Regulation 127A inserted in Gazette 24 June 1994 p.2938; amended in Gazette 13 October 1995 p.4822; 4 April 1997 p.1779; 21 January 2000 p.345.]

128. Costs

- (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.

129. Copy of judgment

- (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.

130. Warrant of execution

- (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.

131. Warrant for recovery of possession

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

132. Notice of seizure

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.

133. Sale under warrant of execution

- (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.

134. Transfer upon sale

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.

135. Appeal to Supreme Court

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

136. Injunction

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

First Schedule

Schedule of Forms

Form

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. Operations Report — Expenditure on Mining Tenement.
6. Instrument of Licence — Exploration Licence.
7. Instrument of Licence — Retention Licence.
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.
22. Withdrawal.
23. Transfer.
24. Caveat.
- 24A. Withdrawal of Caveat.
25. Mortgage.
26. Discharge of Mortgage.
27. Monthly Mineral (Excluding Gold) Production Report.
- 27A. Monthly Gold Production Report.
28. Devolution.
29. Application for Copy Document.
30. Application to Amend.
31. Power of Attorney.

Form

Mining Regulations 1981
First Schedule

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.
44. Report of Approved Surveyor.



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

MINER'S RIGHT

MINER'S RIGHT

To whom Issued

By whom Issued

Place of Issue

Date of Issue

NOT TRANSFERABLE

Issued to • • • • •

(Name in full)

under the provisions of the *Mining Act 1978*.

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.⁴

Mining Regulations 1981
First Schedule

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 _____ 20 .
- (e) Signature of applicant (e)

O F F I C E U S E		Received atm. on with fee of \$..... (Mining Registrar)	
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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 authorised agent is hereby authorised 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 20 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 20 .

.....Warden

.....Mineral Field

The holder of a permit under section 30 of the *Mining Act 1978*, or his duly authorised agent is authorised 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 authorised 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.

Mining Regulations 1981
First Schedule

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.

<p>(a) State whether pastoral lease, Crown grant or other designation</p> <p>(b) Number of lease lot, reserve etc.</p> <p>(c) Name of property (if applicable)</p>	<p>Details of land affected</p> <p>(a) (b)</p> <p>(c)</p>
--	---

<p>(d) Full name and address of owner of land</p> <p>(e) Full name and address of occupier (if applicable)</p>	<p>Owner and Occupier</p> <p>(d)</p> <p>(e)</p>
--	---

<p>(f) Brief details of loss or damage claimed</p>	<p>(f)</p>
--	------------

(g) Here state owner, or owner and occupier, or occupier (as applicable) WE, the undersigned, being the (g) of the land referred to above and (h)

(h) Full name of person liable for compensation of (i)

(i) Full address of person liable for compensation 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)

<p>(j) Signature of owner of land</p> <p>(k) Signature of occupier of land</p> <p>(l) Signature of person liable for compensation</p>	<p>(j)</p> <p>(k)</p> <p>(l)</p>	<p>Received at</p> <p>.....on</p> <p>.....</p> <p>.....</p> <p align="center">(Mining Registrar)</p>
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(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, authorised 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

(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:

Mining Regulations 1981
First Schedule

Form 5

WESTERN AUSTRALIA

Page 1

Mining Act 1978

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

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

OPERATIONS REPORT – EXPENDITURE ON MINING TENEMENT

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

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

Itemise activities and expenditure on Attachment 1

Evidence of lodgement to be provided

MINERAL-EXPLORATION AND/OR MINING ACTIVITIES		
A.	MINERAL-EXPLORATION ACTIVITIES:	<input type="text"/> \$
B.	MINING ACTIVITIES:	<input type="text"/> \$
C.	ABORIGINAL HERITAGE SURVEYS: <i>Copy to be lodged with the Registrar of Aboriginal Sites.</i>	<input type="text"/> \$
D.	ANNUAL TENEMENT RENT AND RATES:	<input type="text"/> \$
E.	ADMINISTRATION/OVERHEADS:	<input type="text"/> \$
F.	(OTHER) LAND ACCESS/NATIVE TITLE COSTS: <i>Jointly not to exceed 20% of the minimum commitment or expenditure on the activities shown above, whichever is the greater (see page 4 for instructions).</i>	<input type="text"/> \$
TOTAL EXPENDITURE:		<input type="text"/> \$

N.B. Full details and results of mineral-exploration activities must be submitted in the annual mineral-exploration report in accordance with section 115A of the Act and the guidelines published under regulation 96B.

OR

Itemise activities and expenditure on Attachment 2

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

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

Full name and address of holder/s.	NAME: ADDRESS:
------------------------------------	--

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

List here details of the related annual mineral-exploration report.	Mineral-Exploration report (for single tenement) Title: Combined Mineral-Exploration report (for group of two or more tenements) Title: Combined reporting number for tenement group: C / Combined reporting date for group: / /
---	---

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

Signature of holder or agent		Date: / /
------------------------------	--	---------------------

(Tick appropriate box and show expenditure. If more than one commodity sought, tick appropriate boxes and allocate expenditure for each one).	<table style="width: 100%; border: none;"> <tr> <td colspan="4" style="text-align: center;">MINERAL COMMODITY SOUGHT ON TENEMENT</td> </tr> <tr> <td style="width: 25%;"><input type="checkbox"/> Gold</td> <td style="width: 15%; text-align: center;">\$</td> <td style="width: 25%;"><input type="checkbox"/> Diamond</td> <td style="width: 35%; text-align: center;">\$</td> </tr> <tr> <td><input type="checkbox"/> Iron ore</td> <td style="text-align: center;">\$</td> <td><input type="checkbox"/> Mineral Sands</td> <td style="text-align: center;">\$</td> </tr> <tr> <td><input type="checkbox"/> Nickel/Cobalt</td> <td style="text-align: center;">\$</td> <td><input type="checkbox"/> Other (specify)</td> <td style="text-align: center;">\$</td> </tr> <tr> <td><input type="checkbox"/> Copper/Lead/ Zinc/Silver</td> <td style="text-align: center;">\$</td> <td>.....</td> <td>.....</td> </tr> </table>	MINERAL COMMODITY SOUGHT ON TENEMENT				<input type="checkbox"/> Gold	\$	<input type="checkbox"/> Diamond	\$	<input type="checkbox"/> Iron ore	\$	<input type="checkbox"/> Mineral Sands	\$	<input type="checkbox"/> Nickel/Cobalt	\$	<input type="checkbox"/> Other (specify)	\$	<input type="checkbox"/> Copper/Lead/ Zinc/Silver	\$
MINERAL COMMODITY SOUGHT ON TENEMENT																					
<input type="checkbox"/> Gold	\$	<input type="checkbox"/> Diamond	\$																		
<input type="checkbox"/> Iron ore	\$	<input type="checkbox"/> Mineral Sands	\$																		
<input type="checkbox"/> Nickel/Cobalt	\$	<input type="checkbox"/> Other (specify)	\$																		
<input type="checkbox"/> Copper/Lead/ Zinc/Silver	\$																		

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

Note: ATTACHMENT 1 — SUMMARY OF MINERAL-EXPLORATION AND/OR MINING ACTIVITIES	OR	ATTACHMENT 2 — SUMMARY OF PROSPECTING AND/OR SMALL SCALE MINING ACTIVITIES
(A) The attachments to the Form 5 are to provide a summary of the activities carried out and the cost of each activity. For Attachment 1 you may either use the pro-forma sheet or a separate sheet with the suggested headings as shown under 4(A) and (B) in the instructions. For Attachment 2 the pro-forma sheet available from the Department must be used.		
(B) A copy of Attachment 1 or 2 will be provided together with a copy of the front page of the Form 5 to any person on payment of the prescribed fee.		

H E A D O F F I C E U S E	This operations report received
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INSTRUCTIONS FOR THE COMPLETION OF FORM 5

1. The Form 5 "Operations Report" and mineral exploration report are required to be lodged annually for each mining tenement within sixty (60) days from the anniversary or surrender date of the mining tenement (or such further period as may be approved by the Minister prior to the expiry of that period).
These reports should be lodged with —
The Director General, Department of Minerals and Energy, 100 Plain Street, East Perth, WA 6004.
N.B. A mineral exploration report is not required if the general prospecting activities detailed in Attachment 2 are the only activities carried out.
2. The Form 5 and attachments must show expenditure incurred on the activities undertaken during the annual period of the mining tenement or the period up to surrender and may be varied according to the type of activities undertaken —
 - (a) for mineral-exploration and/or mining activities (see 3 below); and/or
 - (b) for general prospecting and/or small scale mining activities (see 4 below).
3. For mineral-exploration and/or mining activities, the format of the Form 5 consists of the two pages (as shown on this form) plus Attachment 1 to provide details of the cost and description for each activity (see A and B below for examples of the activities to be shown). The full cost of Aboriginal heritage surveys is allowed (see C below). Administration/overheads/land access/native title costs are not to exceed 20% of the minimum expenditure commitment, or the total of expenditure incurred on activities, whichever is the greater (see D and E below for the costs that can be claimed). Full details and results of mineral-exploration activities are required to be submitted in a mineral-exploration report (see 6 to 8 below).
4. For all other general prospecting activities (i.e. non-geoscientific activities such as metal-detecting, loaming, panning, dollying, dry-blowing, trenching, plant and equipment hire, own labour costs) the format of the Form 5 consists of the two pages (as shown on this form) plus Attachment 2 to provide details of prospecting and/or small scale mining activities.

A. MINERAL EXPLORATION ACTIVITIES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Environmental: environmental studies.

Feasibility study activities:

Rehabilitation activities:

B. MINING ACTIVITIES (DEVELOPMENT AND PRODUCTION)

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

C. ABORIGINAL HERITAGE SURVEYS

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

D. ANNUAL TENEMENT RENT AND RATES

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

E. ADMINISTRATION AND OVERHEADS

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

F. LAND ACCESS/NATIVE TITLE

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

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

NON-ALLOWABLE EXPENDITURE

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

MINERAL EXPLORATION REPORTS

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

COPYRIGHT

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

EXEMPTION FROM EXPENDITURE CONDITIONS

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

ATTACHMENT 1

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

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

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

Itemise as appropriate.
Use a separate sheet if necessary.

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

ATTACHMENT 2

**SUMMARY OF PROSPECTING AND/OR SMALL SCALE
MINING ACTIVITIES**

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

Tenement Type: <input style="width: 150px;" type="text"/>		Tenement No: <input style="width: 50px;" type="text"/> / <input style="width: 50px;" type="text"/>	
Reporting Period: From: <input style="width: 50px;" type="text"/> / <input style="width: 50px;" type="text"/> / <input style="width: 50px;" type="text"/>		To: <input style="width: 50px;" type="text"/> / <input style="width: 50px;" type="text"/> / <input style="width: 50px;" type="text"/>	
A. General Prospecting Activities			
Metal Detecting:			
No. of days worked	<input style="width: 50px;" type="text"/> at \$	<input style="width: 50px;" type="text"/>	\$ <input style="width: 50px;" type="text"/>
Loaming, panning, sampling, dollying, dry-blowing:			
No. of days worked	<input style="width: 50px;" type="text"/> at \$	<input style="width: 50px;" type="text"/>	\$ <input style="width: 50px;" type="text"/>
Costeaning/trenching:			
No. excavated	<input style="width: 50px;" type="text"/>	No. of days	<input style="width: 50px;" type="text"/>
			\$ <input style="width: 50px;" type="text"/>
Other activities (specify):			
<input style="width: 100px;" type="text"/>	No. of days worked	<input style="width: 50px;" type="text"/> at \$	\$ <input style="width: 50px;" type="text"/>
<input style="width: 100px;" type="text"/>	No. of days worked	<input style="width: 50px;" type="text"/> at \$	\$ <input style="width: 50px;" type="text"/>
<input style="width: 100px;" type="text"/>	No. of days worked	<input style="width: 50px;" type="text"/> at \$	\$ <input style="width: 50px;" type="text"/>
Plant and equipment hire:			\$ <input style="width: 50px;" type="text"/>
Fuel, oils, etc.:			\$ <input style="width: 50px;" type="text"/>
Field supplies (food consumables, etc.):			\$ <input style="width: 50px;" type="text"/>
SUBTOTAL (A)			\$ <input style="width: 50px;" type="text"/>

AND/OR

B. Small Scale Mining Activities			
Construction:			
No. of days worked	<input style="width: 50px;" type="text"/> at \$	<input style="width: 50px;" type="text"/>	\$ <input style="width: 50px;" type="text"/>
Development:			
No. of days worked	<input style="width: 50px;" type="text"/> at \$	<input style="width: 50px;" type="text"/>	\$ <input style="width: 50px;" type="text"/>
Construction materials:			\$ <input style="width: 50px;" type="text"/>
Plant and equipment hire:			\$ <input style="width: 50px;" type="text"/>
Fuel, oils, etc.:			\$ <input style="width: 50px;" type="text"/>
Field supplies (food consumables, etc.):			\$ <input style="width: 50px;" type="text"/>
Tonnes of ore/rock/dirt mined or treated:		<input style="width: 100px;" type="text"/>	
SUBTOTAL (B)			\$ <input style="width: 50px;" type="text"/>

Aboriginal Heritage Surveys:	SUBTOTAL (C)	\$ <input style="width: 50px;" type="text"/>
<small>(a copy must be lodged with the Registrar of Aboriginal Sites)</small>		

Annual Tenement Rent and Rates:	SUBTOTAL (D)	\$ <input style="width: 50px;" type="text"/>
--	---------------------	--

Administration/Overheads/Native Title:	SUBTOTAL (E)	\$ <input style="width: 50px;" type="text"/>
<small>(not to exceed 20% of the minimum expenditure commitment or total expenditure on the activities shown at subheadings (A) & (B), whichever is greater)</small>		

TOTAL EXPENDITURE (add SUBTOTALS A to E)	\$ <input style="width: 50px;" type="text"/>
---	--

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

Mining Regulations 1981
First Schedule

Form 6
Instrument of Licence

WESTERN AUSTRALIA
Mining Act 1978
(Sec. 116 Reg. 19)

EXPLORATION LICENCE

No.

- | | | |
|---|-----|---|
| (a) Name and address of holder and number of shares | (a) | is/are authorised 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) Number of Blocks | (d) | containing |
| | (d) | as described in the First Schedule |
| (e) Date Licence granted | (e) | for a term of 5 years commencing on the date of grant of the licence. |
| (f) Shire | (f) | subject to the provisions of the <i>Mining Act 1978</i> and to the conditions/endorsements as set out in the Second Schedule. |

.....
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 is concerned.

For Schedules see attached.

Form 7
Instrument of
Licence

WESTERN AUSTRALIA
Mining Act 1978
(Sec. 116 Reg. 23D)

RETENTION LICENCE

	No.
(a) Name and address of holder and number of shares	(a) is/are, authorised in accordance with section 70J of the <i>Mining Act 1978</i> to further explore the land which is 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 _____ years commencing on the date of the grant of the licence.
(e) Date Licence Granted	(e)
(f) Shire	(f)

subject to the provisions of the *Mining Act 1978* and the conditions/endorsements as set out on the reverse of this Form.

.....
Mining Registrar

NOTE

In addition to any specific conditions that are endorsed on this instrument, the holder in exercising the rights granted by this Licence 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, private land, etc., and where the lawful rights of other land users is concerned or affected.

(Reverse of Form)

**Schedule of Endorsements/Conditions/Description of
Granted Area**

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 of 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. _____ and
recorded in the Department of Mines ⁴, Perth.

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 authorised 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 of20.....
MINISTER

Mining Regulations 1981
First Schedule

Form 9 WESTERN AUSTRALIA
Mining Act 1978
 (Secs. 45, 61, 70E, 78, 88, 91A, 91B)
 (Regs. 16A, 23A, 23F, 29, 36A, 42A)

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

No.

(a) Type of Tenement	Details of mining tenement
(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 20

(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 WESTERN AUSTRALIA
INSTRUMENT OF LEASE *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.

Mining Regulations 1981
First Schedule

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. _____ and
recorded in the Department of Mines ⁴, Perth.

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 authorised 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.

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 of20.....

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) | is/are subject to the provisions of the <i>Mining Act 1978</i> and to the conditions stated in the Schedule hereunder, authorised in accordance with section 94 of the Act to: |
| (b) Purpose of Licence | (b) | situated at |
| (c) Locality | (c) | in the |
| (d) Mineral Field | (d) | Mineral Field and |
| (e) Area | (e) | containing approximately hectares |
| (f) Date Licence granted | (f) | for a term of 5 years commencing on the date of grant of the licence |
| (g) Shire | (g) | |
| (h) Plan | (h) | |

.....
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:

Mining Regulations 1981
First Schedule

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)

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

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

DATED this day of 20

- (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 U S E		Received atm. on (Mining Registrar)	
---	--	--	--

Form 13 WESTERN AUSTRALIA
 Mining Act 1978
 (Reg. 45)

NOTICE OF RE-MARKING

(to be fixed to Datum Post of retained portion)

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

- (a) Type
- (b) Number
- (c) Mineral Field

Holder
(d)

- (d) Full name and address of holder

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)
(f)

- (e) Describe boundaries of retained portion
- (f) Area of retained portion

- (g) Date and time of re-marking
- (h) Signature of holder

- (g)
- (h)

Mining Regulations 1981
First Schedule

Form 14

WESTERN AUSTRALIA
Mining Act 1978
 (Secs. 26A, 65, 95 Reg. 45)

PARTIAL SURRENDER*

*If applicable, add whether the surrender is under section 26A or section 65

(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)

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

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

- (e) Describe the boundaries of the portion being surrendered

PORTION BEING SURRENDERED	
(e)	
Area***	

*** In ha/km² or number of blocks

DATED this day of 20

- (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)

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

Form 16

WESTERN AUSTRALIA
Mining Act 1978
(Secs. 42, 59, 70D, 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 the 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 20

(f) Signature of objector or agent (f)

O F F I C E U S E	This objection will be heard in the Warden’s Court at at the hour of .m. on the day of 20		
		Received at m. on	
	 (Mining Registrar)	

[Form 16A — Deleted]

Mining Regulations 1981
First Schedule

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) _____
---	------------------------

Application made for the restoration of the abovementioned mining tenement which was forfeited for the following reason —

(e) Reason for forfeiture (e) _____

(f) Date of forfeiture on the (f) _____
 This application is made on the following grounds —

(g) _____
 DATED this day of 20.....

(h) Signature of applicant (h) _____

O F F I C E U S E	A NOTICE OF OBJECTION to this application may be lodged at the office of the mining registrar at on or before the day of 20..... and the hearing will take place on the day of 20.....	
		Received atm on with fee of \$.....together with the outstanding rent of..... for the period ending (Mining Registrar)
		Receipt No.

Form 18

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

Office Use
No.

APPLICATION FOR EXEMPTION

<p>(a) Type</p> <p>(b) Number</p> <p>(c) Mineral Field</p>	<p style="text-align: center;">Details of Mining Tenement</p> <p>(a) (b)</p> <p>(c)</p>
--	--

<p>(d) Full name and address of each holder.</p>	<p style="text-align: center;">Holder</p> <p>(d)</p>
--	--

<p>(e) Amount of expenditure for which expenditure is sought.</p> <p>(f) Expiry date of period to which exemption relates.</p> <p>(g) Reasons for exemption.</p>	<p style="text-align: center;">Exemption Details</p> <p>(e) \$</p> <p>(f)20</p> <p>(g)</p>
--	--

APPLICATION is made for exemption for the period specified from the expenditure conditions applicable to the abovementioned mining tenement.

DATED this day of 20

<p>(h) Signature of holder or authorised agent.</p>	<p>(h).....</p>
---	-----------------

Form 19

WESTERN AUSTRALIA
Mining Act 1978
(Secs. 102 and 102A, Reg. 58)

CERTIFICATE OF EXEMPTION

No.

This is to certify that the holder of

(a) Type of tenement
Number and Mineral
Field

(a)

has been granted exemption from expenditure of —

(b) Amount of Expenditure

(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 conditions:

(d) Conditions, if any

(d)

DATED this day of , 20

..... Mining Registrar
..... Mineral Field

Mining Regulations 1981
First Schedule

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 names 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 20 .

(f) Signature of applicant or
agent

(f)

Form 21

WESTERN AUSTRALIA
Mining Act 1978
(Secs. 41, 58, 70C, 74, 86, 91, Reg. 64)

APPLICATION FOR MINING TENEMENT

- (a) Type of tenement
- (b) Time & Date marked out (where applicable)
- (c) Mineral Field
- APPLICANT:
- (d) Full Name
(e) Address
(f) No. of shares
(g) Total No. of shares
- } for each applicant

DESCRIPTION OF GROUND APPLIED FOR.
(For Exploration Licences see Note 1.
For other Licences see Note 2.
For all Licences see Note 3.)

- (h) Locality
(i) Datum Peg
(j) Boundaries
- (k) Area (ha or Km²)
- (l) Signature of applicant or agent

(a)		No..... /	
(b) a.m./p.m. / / (c)			
(d) & (e)			(f) Shares
(g) Total			
(h)			
(i)			
(j)			
(k)			
(l)		DATE	

O F F I C E U S E	OBJECTIONS to this application may be lodged at the office of the mining registrar at on or before the day of 20 (see Note 4) Where an objection to this application is lodged the hearing will take place on a date to be set.						
	FEES PAID		\$	c			
	Application						
	Rent						
TOTAL							
Received at		m					
on							
(Mining Registrar)		<table border="1" style="margin: 0 auto; width: 50px; height: 50px;"> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>					
		Plan..... Scale					

NOTES

Note 1: EXPLORATION LICENCE

- (i) Attachments 1 and 2 form part of every application for an exploration licence and must be lodged with this form in lieu of (h), (i), (j) and (k) above.
- (ii) 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).

Note 2: PROSPECTING/MISCELLANEOUS LICENCE AND MINING/GENERAL PURPOSE LEASE

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

Note 3: GROUND AVAILABILITY

- (i) The onus is on the applicant to ensure that ground is available to be marked out and/or applied for.
- (ii) The following action should be taken to ascertain ground availability:
 - (a) public plan search; (b) register search; (c) ground inspection.

Note 4: ALL APPLICATIONS OVER PRIVATE LAND

The period for lodgement of an objection is within 21 days of service of this notice, or the date noted above for lodging objections, whichever is the longer period.

WESTERN AUSTRALIA <i>Mining Act 1978</i> Sec. 58, Reg 64		FORM 21 — ATTACHMENT 1																										
EXPLORATION LICENCE NO...../.....																												
THIS SECTION MUST BE COMPLETED IN FULL FOR ALL EXPLORATION LICENCE APPLICATIONS																												
LOCALITY: INDICATE BLOCKS APPLIED FOR: <input checked="" type="checkbox"/>																												
BLOCK IDENTIFIER (All three sections must be completed)																												
1:1,000,000 PLAN NAME	PRIMARY NUMBER	GRATICULAR SECTION																										
		All	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t	u	v	w	x	y	z
		All	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t	u	v	w	x	y	z
		All	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t	u	v	w	x	y	z
		All	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t	u	v	w	x	y	z
		All	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t	u	v	w	x	y	z
		All	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t	u	v	w	x	y	z
		All	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t	u	v	w	x	y	z
		All	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t	u	v	w	x	y	z
		All	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t	u	v	w	x	y	z
		All	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t	u	v	w	x	y	z
		All	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t	u	v	w	x	y	z
		All	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t	u	v	w	x	y	z
		All	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t	u	v	w	x	y	z
		All	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t	u	v	w	x	y	z
		All	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t	u	v	w	x	y	z
		All	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t	u	v	w	x	y	z
		All	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t	u	v	w	x	y	z
		All	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t	u	v	w	x	y	z
		All	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t	u	v	w	x	y	z
		All	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t	u	v	w	x	y	z
		All	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t	u	v	w	x	y	z
		All	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t	u	v	w	x	y	z
		All	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t	u	v	w	x	y	z
		All	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t	u	v	w	x	y	z
		All	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t	u	v	w	x	y	z
TOTAL BLOCKS:																												

Mining Regulations 1981
First Schedule

WESTERN AUSTRALIA					FORM 21 — ATTACHMENT 2																														
Mining Act 1978																																			
Sec. 58, Reg 64																																			
MAP SHOWING BLOCKS APPLIED FOR IN EXPLORATION LICENCE No. /																																			
(i) Indicate 1:1,000,000 Plan Name(s) highlighting sheet boundaries in the areas marked (+) e.g. Kalgoorlie					(iii) Indicate Graticular Section e.g. <input checked="" type="checkbox"/>																														
(ii) Indicate Primary Number(s) e.g. <u>PRIMARY No. 318</u>					(iv) Outline external boundaries of licence applied for.																														
1:1,000,000 PLAN NAME(S)																																			
1:1,000,000 PLAN NAME(S)	+					+					+					+					+														
	a	b	c	d	e	a	b	c	d	e	a	b	c	d	e	a	b	c	d	e	a	b	c	d	e	a	b	c	d	e					
	f	g	h	j	k	f	g	h	j	k	f	g	h	j	k	f	g	h	j	k	f	g	h	j	k	f	g	h	j	k	f	g	h	j	k
	PRIMARY No.					PRIMARY No.					PRIMARY No.					PRIMARY No.					PRIMARY No.														
	l	m	n	o	p	l	m	n	o	p	l	m	n	o	p	l	m	n	o	p	l	m	n	o	p	l	m	n	o	p	l	m	n	o	p
	q	r	s	t	u	q	r	s	t	u	q	r	s	t	u	q	r	s	t	u	q	r	s	t	u	q	r	s	t	u	q	r	s	t	u
	+					+					+					+					+														
	v	w	x	y	z	v	w	x	y	z	v	w	x	y	z	v	w	x	y	z	v	w	x	y	z	v	w	x	y	z	v	w	x	y	z
	a	b	c	d	e	a	b	c	d	e	a	b	c	d	e	a	b	c	d	e	a	b	c	d	e	a	b	c	d	e	a	b	c	d	e
	f	g	h	j	k	f	g	h	j	k	f	g	h	j	k	f	g	h	j	k	f	g	h	j	k	f	g	h	j	k	f	g	h	j	k
	PRIMARY No.					PRIMARY No.					PRIMARY No.					PRIMARY No.					PRIMARY No.														
	l	m	n	o	p	l	m	n	o	p	l	m	n	o	p	l	m	n	o	p	l	m	n	o	p	l	m	n	o	p	l	m	n	o	p
	q	r	s	t	u	q	r	s	t	u	q	r	s	t	u	q	r	s	t	u	q	r	s	t	u	q	r	s	t	u	q	r	s	t	u
	+					+					+					+					+														
	v	w	x	y	z	v	w	x	y	z	v	w	x	y	z	v	w	x	y	z	v	w	x	y	z	v	w	x	y	z	v	w	x	y	z
	a	b	c	d	e	a	b	c	d	e	a	b	c	d	e	a	b	c	d	e	a	b	c	d	e	a	b	c	d	e	a	b	c	d	e
	f	g	h	j	k	f	g	h	j	k	f	g	h	j	k	f	g	h	j	k	f	g	h	j	k	f	g	h	j	k	f	g	h	j	k
	PRIMARY No.					PRIMARY No.					PRIMARY No.					PRIMARY No.					PRIMARY No.														
	l	m	n	o	p	l	m	n	o	p	l	m	n	o	p	l	m	n	o	p	l	m	n	o	p	l	m	n	o	p	l	m	n	o	p
	q	r	s	t	u	q	r	s	t	u	q	r	s	t	u	q	r	s	t	u	q	r	s	t	u	q	r	s	t	u	q	r	s	t	u
+					+					+					+					+															
v	w	x	y	z	v	w	x	y	z	v	w	x	y	z	v	w	x	y	z	v	w	x	y	z	v	w	x	y	z	v	w	x	y	z	
a	b	c	d	e	a	b	c	d	e	a	b	c	d	e	a	b	c	d	e	a	b	c	d	e	a	b	c	d	e	a	b	c	d	e	
f	g	h	j	k	f	g	h	j	k	f	g	h	j	k	f	g	h	j	k	f	g	h	j	k	f	g	h	j	k	f	g	h	j	k	
PRIMARY No.					PRIMARY No.					PRIMARY No.					PRIMARY No.					PRIMARY No.															
l	m	n	o	p	l	m	n	o	p	l	m	n	o	p	l	m	n	o	p	l	m	n	o	p	l	m	n	o	p	l	m	n	o	p	
q	r	s	t	u	q	r	s	t	u	q	r	s	t	u	q	r	s	t	u	q	r	s	t	u	q	r	s	t	u	q	r	s	t	u	
+					+					+					+					+															
v	w	x	y	z	v	w	x	y	z	v	w	x	y	z	v	w	x	y	z	v	w	x	y	z	v	w	x	y	z	v	w	x	y	z	
1:1,000,000 PLAN NAME(S)																																			

[Form 21A deleted]

Form 22

WESTERN AUSTRALIA
Mining Act 1978
(Reg. 69)

WITHDRAWAL

(a) Type (b) Number (c) Mineral Field	<p style="margin: 0;">Details of Mining Tenement application</p> (a) _____ (b) _____ (c) _____
---	--

(d) Full name and address of each applicant	<p style="margin: 0;">Applicant</p> (d) _____ _____ _____
---	--

THE APPLICANT hereby applies to WITHDRAW the abovementioned application.

DATED this _____ day of _____ 20_____

(e) Signature of applicant (f) Signature of witness	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Applicants sign here</td> <td style="width: 40%; text-align: center;">in the presence of</td> <td style="width: 30%;">Witnesses sign here</td> </tr> <tr> <td>(e)</td> <td>(f)</td> <td>.....</td> </tr> <tr> <td>.....</td> <td></td> <td>.....</td> </tr> <tr> <td>.....</td> <td></td> <td>.....</td> </tr> <tr> <td>.....</td> <td></td> <td>.....</td> </tr> </table>	Applicants sign here	in the presence of	Witnesses sign here	(e)	(f)
Applicants 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 U S E		Received atm. on (Mining Registrar)	
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Mining Regulations 1981
First Schedule

Form 23

WESTERN AUSTRALIA
Mining Act 1978

STAMP DUTY

(Regs. 75, 81, 84 & 134)

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)

- (h) Mortgage number and Mortgagee or “NIL”
 (See note 2)

(h)

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 any mortgage shown hereon and to all the terms and conditions under which it is now held.
 DATED this day of 20 .

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

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

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

(l)

O F F I C E U S E		Received atm. on with fee of \$..... (Mining Registrar)	
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- Notes:
1. Where the stamp duty shown on the transfer is not in respect of the full amount of the consideration stated then the documents indicating the full stamp duty must accompany the transfer.
 2. If a mortgage is registered with the Department of Mines ⁴ and will continue after the transfer, insert the required details.
 If no mortgage, or a mortgage is to be discharged prior to or on the transfer, insert "nil".
 The consent of the mortgagee to the transfer must be lodged with this Form.

Mining Regulations 1981
First Schedule

Form 24

WESTERN AUSTRALIA

Mining Act 1978

(Sec. 121 Reg. 76)

CAVEAT No.

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

(d) Specify "the whole" or the number of shares being caveated	Interest being caveated	
(e) Full name of holder of shares 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)	
(h) Address within the State for service of notices	as the place at which notices and proceedings relating to this caveat may be served	

DATED this day of 20

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

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

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

Mining Regulations 1981
First Schedule

Form 24A

WESTERN AUSTRALIA
Mining Act 1978
 (Sec. 122 Reg. 76A)

WITHDRAWAL OF CAVEAT No.(s)

(a) Full name &
Address of Caveator

Caveator (a)

(b) Specify caveat(s) to
be withdrawn and
mining tenement(s)
affected

Caveat Number(s) and mining tenement(s) affected (b)

THE CAVEATOR HEREBY WITHDRAWS the
abovementioned caveat(s) against the interest in the mining
tenement(s) described above

DATED this day of 20

(c) Signature of
caveator

Caveator or agent signs here	Witness signs here
Signed (c) in the presence of (d).....	

(d) Signature of witness

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

(e)

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

Form 25

WESTERN AUSTRALIA
Mining Act 1978
(Reg. 77)

STAMP DUTY

MORTGAGE No.

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

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

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

MORTGAGOR.
Full name and address

MORTGAGEE.
Full name and address

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 subject 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.

Mining Regulations 1981
First Schedule

*Here set forth any further covenants

3. *

DATED this day of 20

- (a) Signature of Mortgagor/s
- (b) Signature of witness

<p>MORTGAGOR/S sign here</p> <p>Signed (a) in the presence of (b)</p> <p>Signed (a) in the presence of (b)</p>

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

<p>(c)</p>

<p>O F I C E</p> <p>U S E</p>		<p>Received atm.</p> <p>on</p> <p>with fee of \$.....</p> <p>.....</p> <p>(Mining Registrar)</p>	
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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 20

(e) Signature of
Mortgagee

Signed

(e).....

(f) Signature of witness

in the presence of

(f).....

Mining Regulations 1981
First Schedule

O F F I C E U S E		Received atm. on with fee of \$..... (Mining Registrar)	
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Form 26A

WESTERN AUSTRALIA
Mining Act 1978
(Reg. 83)

PARTIAL DISCHARGE OF MORTGAGE No. _____

(a) Full name and Address of Mortgagee

Mortgagee (a)

(b) Date of Mortgage

Mortgage details (b) (c)
--

(c) Number of Mortgage

(d) Specify mining tenement(s) and state either "the whole" or number of share mortgage is discharged from (See Note 1)

Details of mining tenement(s) and shares against which Mortgage discharged (d)

(e) Full name of holder(s) of shares mortgage is discharged against

(e)

THE MORTGAGEE HEREBY DISCHARGES the interest in the mining tenement(s) described above from the abovementioned Mortgage without releasing the mortgagor from any liability under that Mortgage

DATED this day of 20

(f) Signature and/or company seal of (a) the above

SIGNATURE(S) (f) COMPANY SEAL _____	WITNESS(ES) TO SIGNATURE(S) (g)
--	---

(g) Signature(s) of independent witness

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

(h)

Mining Regulations 1981
First Schedule

O F F I C E U S E		Received atm. on with fee of \$..... (Mining Registrar)	
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NOTE 1: If Mortgage is to be totally discharged use Form 26.

Form 27

WESTERN AUSTRALIA
Mining Act 1978
[Reg. 85A(1)]

MONTHLY MINERAL (EXCLUDING GOLD) PRODUCTION REPORT

(Please Note! A separate report is required for each operating mining tenement. Complete and furnish to Director General of Mines within 30 days of expiry of month.)

Report for month of.....Year.....

Mining Tenement No..... Holder.....

Mineral Field.....

District.....Project.....

Material Mined			Mineral Produced/Sold		
Mineral Mined Primary Description (e.g. Clay)	Mineral Type Description (e.g. Kaolin)	Quantity (tonnes)	Quantity (tonnes)	Sales Value (A\$)	End Use or Uses of Mineral (where known)

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

Dated..... Signed.....
(Holder/Applicant)

Mining Regulations 1981
First Schedule

Form 27A WESTERN AUSTRALIA
Mining Act 1978
 [Reg. 85A(1a)]

MONTHLY GOLD PRODUCTION REPORT

(Please Note! Separate report required for each gold royalty project. Complete and furnish to Director General of Mines within 30 days of expiry of month.)

Report for month of Year

Mining Tenement(s) No(s)

Holder

Mineral Field

District Project

MATERIAL TREATED
Ore
Sands
Slimes
Tailings
Concentrates
Other

Tonnes

METAL PRODUCED*

Ounces

Gold Metal
Silver Metal (By-product)

(* Include metal that is to be regarded because of regulation 86AA as having been produced.)

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

Dated

Signed

(Holder/Applicant)

Form 28

WESTERN AUSTRALIA
Mining Act 1978
(Reg. 102)

DEVOLUTION No.

(a) Type (b) Number (c) Mineral Field (d) Number of shares	Details of Mining Tenement application (or application therefor) and interest (a) _____ (b) _____ (c) _____ (d) _____
(e) Document from which title derived	(e) _____
(f) Full name and address of applicant *Copy of document to be attached	(f) _____ 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 _____ 20____
(g) Signature of applicant	(g)
LODGING PARTY (h) Full name and address (for return of documents)	(h) _____

O F F I C E U S E		Received atm. on with fee of \$..... (Mining Registrar)	
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Mining Regulations 1981
First Schedule

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 20
- (f) Signature of witness (f)
 See Note 1.

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 authorised person.

Form 30

WESTERN AUSTRALIA
Mining Act 1978
(Reg. 107)

APPLICATION TO AMEND No. _____

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

- (a) Type
- (b) Number
- (c) Mineral Field

Holder/Applicant	
(d)	

- (d) Full name and address

The abovementioned HOLDER/APPLICANT hereby applies to amend the register at the Department of Mines⁴

FROM

- (e) Present particulars shown in register

(e)	
-----	--

TO

- (f) Amended particulars

(f)	
-----	--

- (g) Signature of holder/applicant

DATED this _____ day of _____ 20____
(g)

O F F I C E U S E		Received atm. on (Mining Registrar)	
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Mining Regulations 1981
First Schedule

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.

Mining Regulations 1981
First Schedule

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)

(b) Full name and address of applicant or holder

subject only to this condition that, if

(b)

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

shall comply with the conditions to which

(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 20

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

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

O F F I C E U S E		Received atm. on the day of 20 (Mining Registrar)	
---	--	---	--

Mining Regulations 1981
First Schedule

Form 33

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

PLAINT No.

In the Warden's Court at

(a) Name and address of Plaintiff

Plaintiff (a)

V

(b) Name and address of defendant

Defendant (b)

The Plaintiff claims that —

(c) Nature of the claim

(c)

and asks —

(d) Nature of relief sought

(d)

DATED this day of 20

(e) Signature of Plaintiff

(e).....

O F F I C E U S E	Received atm. on/...../..... with fees as stated.	<u>Fees Paid</u>	\$	c
 (Mining Registrar)	Plaint (inc. Summons and Subpoena)		
	SEAL OF COURT	Service		
		Affidavit		
		Kilometrage		
		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 20

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 20 .



.....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 20 .

.....

Form 35

WESTERN AUSTRALIA
Mining Act 1978
(Reg. 124)

AFFIDAVIT OF SERVICE

In the Warden's Court at

Plaint 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
20 , duly serve a copy of the summons (which is marked "A"
and annexed hereto) as follows —

Full name of person on
whom service effected :

Manner of service :

Address where service
effected :

Sworn before me at

this day of 20 .

.....
(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

In the Warden's Court at

Plaintiff No...../.....

(a) Full name and address	Plaintiff (a)
---------------------------	-------------------------

V

(b) Full name and address	Defendant (b)
---------------------------	-------------------------

(c) Grounds of defence

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

(c)

+Delete if not applicable (see Note 1) +and the defendant claims

(d) Signature of defendant

DATED at this day of 20 .

(d)

O F F I C E U S E		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.

**Mining Regulations 1981
First Schedule**

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 20 .

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 20 .

Conduct Money \$ _____

..... Mining Register

..... 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 20 .

Mining Regulations 1981
First Schedule

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)

THE Court adjudges that —

(c) Insert decision (c)

AND the Court orders —

(d) Set forth the order in full (d)

DATED at

this day of 20 .

SEAL
OF
WARDEN'S
COURT

.....Warden/Mining Registrar

Form 39

WESTERN AUSTRALIA
Mining Act 1978
(Reg. 130)

WARRANT OF EXECUTION

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 20

*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 the 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 BY DISTRESS AND SALE OF THE GOODS 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 20
By the Court

.....Mining Registrar
.....Mineral Field

Mining Regulations 1981
First Schedule

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 20

with the sum of _____ in satisfaction thereof.

.....BAILIFF

Form 41

WESTERN AUSTRALIA
Mining Act 1978
(Reg. 132)

NOTICE OF SEIZURE

In the _____ Court at _____
Plaint No. _____ Warrant No. _____
Between _____ Plaintiff
and _____ Defendant
Defendant

TO: The MINING REGISTRAR, at
TAKE NOTICE that under and by virtue of _____
_____, dated the _____ day of _____
20_____, 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 _____ 20_____
..... Bailiff

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

Mining Regulations 1981
First Schedule

Form 42

WESTERN AUSTRALIA
Mining Act 1978
 (Sec. 147 Reg. 135)

NOTICE OF APPEAL UNDER SECTION 147

(a) Full Name and address of appellant

<p>Appellant</p> <p>(a)</p>

V

(b) Full name and address of respondent

<p>Respondent</p> <p>(b)</p>

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, 20

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

O F F I C E U S E		<p>Received atm.</p> <p>on</p> <p>with the sum of \$150.00</p> <p>Receipt No.</p> <p>.....</p> <p style="text-align: center;">(Mining Registrar)</p>	
---	--	---	--

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 20

DATED this day of 20

Seal
of the
Warden's
Court

..... Warden

..... Mineral Field

Mining Regulations 1981
First Schedule

Form 44

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	FIELD BOOK NUMBER

- | | YES | NO* |
|---|--------------------------|--------------------------|
| 1. I have surveyed the tenement boundaries in accordance with the regulations. | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. The boundaries surveyed are in accordance with the Holder's/Applicant's/Agent's markings. | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. The Holder/Applicant/Agent attended the site and is satisfied with the positions of the surveyed boundaries. | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. The adjoining tenement Holder(s)/ Applicant(s)/Agent(s) attended the site and is (are) satisfied with the position of the surveyed boundaries. | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Adjoining land tenures have been located as instructed. | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Positions of any buildings, workings, shafts, roads and other significant features, where practical, have been located. | <input type="checkbox"/> | <input type="checkbox"/> |

*For any "NO" response above, a written report is required.

..... APPROVED SURVEYOR.

NOTE: Any additional information relating to the conduct of this survey should be presented in a written report.

...../...../20.....

[Schedule 1 amended in Gazette 12 November 1982 p.4491; erratum in Gazette November 1982 p.4578; amended in Gazette 30 May 1986 p.1841; 20 June 1986 p.2084; 2 October 1987 pp.3821-36; erratum in Gazette 6 November 1987 p.4110; amended in Gazette 20 May 1988 p.1707; 31 May 1991 pp.2700-07; 5 July 1991 p.3359; 31 July 1992 pp.3777-80; 24 December 1993 pp.6829-30; 24 June 1994 pp.2939-42; 13 October 1995 p.4823; 4 April 1997 pp.1780-1; 3 October 1997 pp.5533-5; 11 June 1999 pp.2546-52.]

Second Schedule
Schedule of Fees and Rents

		\$
1.	Annual Rent of —	
	Existing exploration licence per square kilometre or part thereof	Reg. 18 34.65
	Graticular exploration licence —	
	(a) one block licence applied for after 1 July 1999	Reg. 18 220.00
	(b) all other licences (per block)	Reg. 18 90.64
	General purpose lease per hectare or part thereof	Reg. 34 10.56
	Lease granted under the <i>Mining Act 1904</i> ⁵ , either pursuant to or continued in force by virtue of an agreement scheduled to, incorporated in, or appearing in an Act or a variation of such an agreement, per hectare or part thereof	11.33
	Mining lease per hectare or part thereof	Reg. 25 11.33
	Miscellaneous licence per hectare or part thereof —	
	(a) for the purpose referred to in regulation 42B(ia) ...	Reg. 39 0.33
	(b) for any other purpose	Reg. 39 10.56
	Prospecting licence per hectare or part thereof (minimum \$17.00)	Reg. 12 1.70
	Retention licence per hectare or part thereof	Reg. 23C 5.28
2.	Application fee for —	
	Exploration Licence —	
	(a) one block	Reg. 18 100.00
	(b) more than one block	Reg. 18 824.00
	General Purpose Lease	Reg. 34 165.40
	Mining Lease	Reg. 25 165.40
	Miscellaneous Licence	Reg. 39 165.40
	Prospecting Licence	Reg. 12 82.40
	Retention Licence	Reg. 23C 400.00
3.	Copy of —	
	Mining Tenement Register (per tenement)	Reg. 106 4.60
	Dealing affecting tenement (per dealing)	Reg. 106 4.60
3A.	Certification of a document	Reg. 109 3.75
4.	Exemption from expenditure conditions — one year exemption	Reg. 54 100.00
	5 year exemption for mining lease	Reg. 54 500.00
5.	Issue of —	
	Duplicate instrument of lease	Sec. 83 24.50
	Miner's Right	Sec. 20 20.00
[6.	<i>deleted</i>	
7.	Partial Surrender of a Mining Tenement	Reg. 45 60.00
8.	Permit to Enter Private Land —	
	application for (per Lot or Location affected — Minimum \$17.00)	Reg. 5 3.90
9.	Private Land — application to bring under the Act	Reg. 8 16.30
10.	Registration of dealings (per tenement affected where	

		\$
	applicable) —	
	Agreement	Reg. 110 60.00
	Application for copy document	Reg. 105 60.00
	Caveat	Sec. 121 60.00
	Devolution	Reg. 102 60.00
	Discharge/Withdrawal of any encumbrance.....	Regs. 76A, 83, 110 4.60
	Injunction	Reg. 109 60.00
	Judgment/Order of Court	Reg. 110 60.00
	Mortgage	Reg. 77 60.00
	Power of Attorney — each	Reg. 108 60.00
	Seizure — Notice of	Reg. 132 60.00
	Sub-lease of Mining Tenement	Reg. 110 60.00
	Transfer —	
	Mining Tenement	Reg. 75 60.00
	Mortgage	Reg. 84 60.00
11.	Restoration of Mining Tenement	Reg. 51 142.00
11A.	Copy of front page of Form 5, together with either Attachment 1 — “ <u>Summary of Mineral Exploration/Mining Activities</u> ” or Attachment 2 — “ <u>Summary of Prospecting and/or Small Scale Mining Activities</u> ”, as the case may be	Reg. 96(3) 4.60
[12.	<i>deleted]</i>	
13.	Warden’s Court Fees —	
	(i) For entering a plaint, excluding service fee, but including the issue of summons for each defendant and all necessary witness subpoenas	40.00
	(ii) Defence, including notice of defence and all necessary witness subpoenas.....	30.00
	(iii) All necessary applications and affidavits	5.00
	(iv) Order made by warden including an order for an injunction	10.00
	(v) Issue or renewal of a warrant of execution	30.00
	(vi) Copy of —	
	(a) evidence — per page	6.50
	(b) a judgment, decision or order — per page	1.00
	(vii) Taxation of bill of costs	\$0.05 in each amount of \$1.00 on amount of filed bill (minimum fee \$10.00) — provided that where the filed bill

Mining Regulations 1981
Second Schedule

\$
exceeds
\$1 000 the
fee is
reduced to
\$0.025 in
each \$1.00
for the
excess,
plus \$50.00

*[Second Schedule inserted in Gazette 20 June 1986 pp.2084-6;
amended in Gazette 26 June 1987 pp.2527-8; 2 October 1987
pp.3836-7; 3 March 1989 pp.688-9; 21 July 1989 pp.2249-50;
20 April 1990 p.2000; 22 June 1990 pp.3073-5; 31 May 1991 p.2707;
5 July 1991 pp.3357-8; 8 November 1991 pp.5741-2; 31 July 1992
p.3780; 30 July 1993 p.4157; 19 November 1993 pp.6274-5;
24 December 1993 p.6830; 10 June 1994 p.2411; 24 June 1994
p.2943; 30 June 1995 p.2660; 19 April 1996 p.1573; 4 April 1997
p.1781; 12 June 1998 p.3184; 11 June 1999 p.2552; 21 January 2000
p.345; 16 June 2000 pp.2951-2.]*

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Notes

¹ This reprint is a compilation as at 21 July 2000 of the *Mining Regulations 1981* and includes amendments in the reprint published in the *Gazette* on 18 March 1996 and amendments effected by the other regulations referred to in the following Table.

Table of Regulations

Citation	Gazettal	Commencement	Miscellaneous
<i>Mining Regulations 1981</i>	13 November 1981 pp.4601-76	1 January 1982 (see regulation 1(2) and <i>Gazette</i> 11 December 1981 p.5085)	
Regulations effecting amendments included in the previous reprint are not referred to in this Table			Previous reprint as at 18 March 1996
<i>Mining Amendment Regulations 1996</i>	13 September 1996 p.4598	13 September 1996	
<i>Mining Amendment Regulations (No. 2) 1996</i>	19 April 1996 p.1753	19 April 1996	
<i>Mining Amendment Regulations 1997</i>	4 April 1997 pp.1777-81	4 April 1997	
<i>Mining Amendment Regulations (No. 4) 1997</i>	3 October 1997 pp.5530-5	3 October 1997	
<i>Mining Amendment Regulations 1998</i>	12 June 1998 p.3184	1 July 1998 (see regulation 2)	
<i>Mining Amendment Regulations (No. 2) 1998</i>	17 March 1998 pp.1434-5	17 March 1998	
<i>Mining Amendment Regulations (No. 3) 1998</i>	24 April 1998 p.2153	24 April 1998	
<i>Mining Amendment Regulations 1999</i>	11 June 1999 pp.2543-52	1 July 1999 (see regulation 2)	
<i>Mining Amendment Regulations (No. 2) 1999</i>	18 June 1999 pp.2641-3	18 June 1999	
<i>Mining Amendment Regulations (No. 3) 1999</i>	21 January 2000 pp.344-5	21 January 2000	

Mining Regulations 1981

Citation	Gazettal	Commencement	Miscellaneous
<i>Mining Amendment Regulations (No. 4) 1999</i>	19 November 1999 pp.5791-2	19 November 1999	
<i>Mining Amendment Regulations 2000</i>	8 February 2000 pp.453-4	8 February 2000	
<i>Mining Amendment Regulations (No. 2) 2000</i>	16 June 2000 pp.2951-2	1 July 2000 (see regulation 2)	
<i>Mining Amendment Regulations (No. 3) 2000</i>	14 April 2000 pp.1891-2	14 April 2000	
<i>Mining Amendment Regulations (No. 4) 2000</i>	16 June 2000 pp.2952-7	1 July 2000 (see regulation 2)	
<i>Mining Amendment Regulations (No. 5) 2000</i>	30 June 2000 pp.3473-4	1 July 2000 (see regulation 2)	

² The *Mining Amendment Act 1990* (No. 22 of 1990) was operative 28 June 1991.

³ Section 28 of the *Mining Amendment Act 1993* (No. 37 of 1993) was operative 1 July 1994.

⁴ Under the *Public Sector Management Act 1994* names of departments can be changed. At the time of this reprint the former Department of Mines is known as Department of Minerals and Energy.

⁵ Repealed by the *Mining Act 1978* (No. 107 of 1978).

Defined Terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined Term	Provision(s)
aerial photography	120P
approved surveyor.....	116
block.....	2
circumstances justifying royalty relief	86F(3)
combined mineral exploration report	96(1)
concentrate	85(1)
contractor	120P
date of application.....	2
decreasing adjustment	85AA(5)
deliverer	86AA(11)
existing exploration licence	2
expense.....	85AA(3)
gold bearing material	86AA(11)
gold metal	86AA(11), 86F(3)
gold royalty project.....	86AA(11)
gold spot price.....	86AA(11)
graticular exploration licence	2
graticular section.....	2
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increasing adjustment.....	85AA(5)
input tax credit	85AA(5)
licensed surveyor	116
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mining tenement.....	86AA(11)
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net input tax credit	85AA(4)
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operations report	96(1)
optional royalty period	86AB(1)
optional royalty rate	86AB(1)
prescribed fee	2
quarter	85(1)
quarterly period.....	2
realised value	85(1)
refiner.....	86AA(11)
refinery.....	86AA(11)
related corporation	85(1)
release	96(1)

Defined Terms

royalty base	86F(3)
royalty return.....	2
section	2
supply	85AA(5)
tenement	116
the Act.....	2
the Director	116, 120P
treatment facility	86AA(11)