
MINERALS AND PETROLEUM

MP301*

Mining Act 1978

Mining Amendment Regulations (No. 7) 2002

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Mining Amendment Regulations (No. 7) 2002*.

2. Commencement

These regulations come into operation on 1 January 2003.

3. The regulations amended

The amendments in these regulations are to the *Mining Regulations 1981**.

[* Reprinted as at 25 July 2002.]

4. Regulation 85 amended

Regulation 85(1) is amended in the definition of “allowable deductions” by deleting paragraph (a), and “and” after it, and inserting instead —

“

(a) the amount, in Australian currency, of any reasonable costs incurred in transporting the mineral, in the form in which it is first sold, where those costs —

(i) are incurred after the shipment date by the person liable to pay the royalty for the mineral; and

(ii) relate to transport of the mineral by a person other than the person liable to pay the royalty for the mineral;

and

”.

5. Regulation 85AB amended

Regulation 85AB(2) is amended as follows:

(a) by deleting “the gross invoice value of, or allowable deductions for,” and inserting instead —

“ the amount of royalty payable for ”;

(b) by inserting after “price” —

“

(other than a price to which subregulation (3) applies)

”.

6. Regulation 85A replaced and transitional provision

- (1) Regulation 85A is repealed and the following regulation is inserted instead —

“

85A. Quarterly production reports

- (1) The holder of a mining tenement, and the applicant for a mining tenement in respect of any land, shall, unless the Director General of Mines in a particular case otherwise approves, furnish the Director General of Mines with a production report in the form No. 27 in the First Schedule —
- (a) within 30 days after the expiry of the first quarter after 31 December 2002 during which any mineral other than gold is produced or obtained from that mining tenement or land; and
 - (b) within 30 days after the expiry of each subsequent quarter (whether or not any mineral other than gold is produced or obtained from that mining tenement or land in that quarter).
- (2) The holder of a mining tenement, and the applicant for a mining tenement in respect of any land, shall, unless the Director General of Mines in a particular case otherwise approves, furnish the Director General of Mines with a production report in the form No. 27A in the First Schedule —
- (a) within 30 days after the expiry of the first quarter after 31 December 2002 during which gold metal is to be regarded because of regulation 86AA as having been produced from gold bearing material produced or obtained from that mining tenement or land; and
 - (b) within 30 days after the expiry of each subsequent quarter (whether or not gold metal is to be regarded because of regulation 86AA as having been produced from gold bearing material produced from that mining tenement or land during that quarter).
- (3) A person who contravenes subregulation (1) or (2) commits an offence.

”.

- (2) Despite the repeal effected by subregulation (1), regulation 85A of the *Mining Regulations 1981* as in force immediately before

the commencement of these regulations continues to apply in relation to the month of December 2002.

7. Regulation 86 amended

Regulation 86 is amended in column 3 of the Table as follows:

- (a) in the item relating to cobalt in paragraph (c)(ii) by inserting after “per tonne f.o.b.” —
“ in Australian currency ”;
- (b) in the item relating to copper in paragraph (c) by inserting after “per tonne f.o.b.” —
“ in Australian currency ”;
- (c) in the item relating to nickel by inserting after “per tonne f.o.b.” —
“ in Australian currency ”.

8. Regulation 87 amended

Regulation 87(1) is amended by deleting paragraphs (a) and (b), and “or” after paragraph (a), and inserting instead —

“

- (a) the royalty value does not reflect the market value of the mineral at the date the mineral was first sold;
- (b) the allowable deductions used to calculate the royalty value are excessive having regard to the type of sale; or
- (c) the holder of, or applicant for, the mining tenement has not shown to the satisfaction of the Minister, within the time specified by the Minister, that the first sale of the mineral 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 having regard to the market value for that type of mineral assessed at an arm’s length basis, at the date the mineral was first sold, for the type of sale concerned.

”.

9. First Schedule amended

(1) The First Schedule is amended in Form 27 as follows:

- (a) by deleting “MONTHLY” and inserting instead —
“ QUARTERLY ”;
- (b) by deleting “operating”;
- (c) by deleting “month.” and inserting instead —
“ relevant quarter. ”;

- (d) by deleting “Report for month ofYear” and inserting instead —

“

Report for.....
(insert relevant quarter, eg. March quarter, and year)

”.

- (2) The First Schedule is amended in Form 27A as follows:

- (a) by deleting “85A(1a)” and inserting instead —
“ 85A(2) ”;
- (b) by deleting “MONTHLY” and inserting instead —
“ **QUARTERLY** ”;
- (c) by deleting “month.” and inserting instead —
“ relevant quarter. ”;
- (d) by deleting “Report for month ofYear” and inserting instead —

“

Report for.....
(insert relevant quarter, eg. March quarter, and year)

”.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.