MP301\*

Mining Act 1978

# **Mining Amendment Regulations 2002**

Made by the Governor in Executive Council.

## 1. Citation

These regulations may be cited as the *Mining Amendment Regulations 2002*.

#### 2. Commencement

These regulations come into operation on the day on which the *Mining (Ellendale Diamond Royalties) Regulations 2002* come into operation.

## 3. The regulations amended

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

[\* Reprinted as at 21 July 2000.

For amendments to 24 December 2001 see 2000 Index to Legislation of Western Australia, Table 4, p. 230, and Gazette 2 February, 27 April, 3 and 17 August and 28 September 2001.]

## 4. Regulation 85B amended

After regulation 85B(2) the following subregulation is inserted —

(3) Subregulation (1) does not apply to the tenement holder as defined in the *Mining (Ellendale Diamond Royalties) Regulations 2002* in relation to royalties payable under those regulations.

## 5. Regulation 86 amended

Before the Table to regulation 86 the following subregulation is inserted —

(3) This regulation does not apply to diamond obtained from the Ellendale mining lease as defined in the *Mining (Ellendale Diamond Royalties)*Regulations 2002.

## 6. Regulation 86A amended

After regulation 86A(8) the following subregulation is inserted —

(9) This regulation does not apply to royalties payable under the *Mining (Ellendale Diamond Royalties)* Regulations 2002.

## 7. Regulation 86F amended

- (1) Regulation 86F(1) is amended as follows:
  - (a) by deleting "or 86AA" and inserting instead —

, 86AA or the Mining (Ellendale Diamond Royalties) Regulations 2002

";

- (b) after paragraph (a) by deleting "or";
- (c) after paragraph (b) by deleting the comma and inserting —

; or

- (c) under the *Mining (Ellendale Diamond Royalties) Regulations 2002*, for diamond obtained while the determination is expressed to apply,
- (2) Regulation 86F(2) is amended by inserting after "86A" —

or the Mining (Ellendale Diamond Royalties) Regulations 2002

- (3) Regulation 86F(3) is amended in the definition of "royalty base" by inserting after paragraph (a) the following paragraph
  - (aa) in the case of diamond obtained from the Ellendale mining lease as defined in the *Mining (Ellendale Diamond Royalties)*Regulations 2002, anything by reference to which those regulations fix the rate of royalty payable for that mineral;

## 8. Regulation 87B amended

Regulation 87B(1)(b) is amended by inserting after "regulation 85B" —

or the *Mining (Ellendale Diamond Royalties) Regulations 2002* 

## 9. Regulation 89 amended

Regulation 89 is amended by inserting after "regulations" —

or the Mining (Ellendale Diamond Royalties) Regulations 2002

By Command of the Governor,

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