
MINERALS AND PETROLEUM

MP301

Mining Act 1978

Mining Amendment Regulations 2017

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Mining Amendment Regulations 2017*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Mining Regulations 1981*.

4. Regulation 85 amended

In regulation 85(1) delete the definition of *royalty value* and insert:

royalty value, in relation to —

- (a) a mineral, other than cobalt or copper sold as a nickel by-product, gold, iron ore or nickel, means the gross invoice value of the mineral less any allowable deductions for the mineral; or
- (b) gold, means the royalty value of gold metal produced calculated in accordance with regulation 86AA(7); or
- (c) iron ore, has the meaning given in regulation 86AD(2); or
- (d) nickel, has the meaning given in regulation 86AB(2); or
- (e) cobalt or copper sold as a nickel by-product, has the meaning given in regulation 86AB(3);

5. Regulation 86 amended

In regulation 86 in the Table:

- (a) delete the row relating to Cobalt and insert:

Cobalt			
if sold as crushed or screened material —		7.5%	
if sold as a concentrate —		5%	
if sold as a nickel by-product or in metallic form —		2.5%	

(b) delete the row relating to Copper and insert:

Copper			
if sold as crushed or screened material —		7.5%	
if sold as a concentrate —		5%	
if sold as a nickel by-product or in metallic form —		2.5%	

(c) delete the row relating to Nickel and insert:

Nickel		2.5%	
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6. Regulation 86AB replaced

Delete regulation 86AB and insert:

86AB. Royalty value for nickel, and for cobalt and copper sold as a nickel by-product

(1) In this regulation —

contracted list price —

- (a) for nickel sold at a price, or average price, listed on the London Metal Exchange for nickel — that price, in Australian currency; and
- (b) for a nickel by-product sold at a price, or average price, listed on the London Metal Exchange or the Metal Bulletin for that mineral — that price, in Australian currency;

reference price, in relation to nickel or a nickel by-product, means the price for the mineral, in Australian currency, that is the amount of a price, or average price, of a particular type or classification, fixed on the London Metal Exchange or the Metal Bulletin for the mineral for a particular date or over a particular period nominated by the Director General, a description of which is published on the Department's website.

(2) The royalty value of nickel is the amount, in Australian currency, obtained by multiplying the percentage of units of nickel metal in the nickel containing material sold (as set out in invoices relating to the sale) by —

- (a) the contracted list price for the mineral (as set out in those invoices) less any allowable deductions that apply under subregulation (4); or

- (b) if there is no contracted list price for the mineral, the reference price for the mineral less any allowable deductions that apply under subregulation (4).
- (3) The royalty value of cobalt, or copper, sold as a nickel by-product is the amount, in Australian currency, obtained by multiplying the percentage of units of cobalt or copper metal, as is relevant, in the nickel by-product sold (as set out in invoices relating to the sale) by —
 - (a) the contracted list price for the mineral (as set out in those invoices) less any allowable deductions that apply under subregulation (4); or
 - (b) if there is no contracted list price for the mineral, the reference price for the mineral less any allowable deductions that apply under subregulation (4).
- (4) Allowable deductions within the meaning of paragraph (a) of the definition of *allowable deductions* apply if the first sale of the mineral is effected by delivery onto or from a ship exporting the mineral from Australia (as evidenced by a bill of lading).

7. Regulation 86A amended

- (1) In regulation 86A(4) delete “a nickel by-product the royalty for which is not based on royalty value, royalties shall” and insert:

cobalt or copper sold as a nickel by-product, royalties must, subject to subregulation (4A),

- (2) After regulation 86A(4) insert:

- (4A) In the case of nickel, or cobalt or copper sold as a nickel by-product, royalties must be paid in part-payments in accordance with subregulation (4B) if the amount of royalty to be paid cannot be calculated with certainty until after the end of the period within which the royalties must be paid under subregulation (4).
- (4B) For the purposes of subregulation (4A), a royalty part-payment for a mineral shall be paid within 30 days after the end of the quarter during which any part of the gross invoice value was paid by the purchaser of the mineral.

- (3) In regulation 86A(5) delete “gold or iron ore,” and insert:

cobalt or copper sold as a nickel by-product, gold, iron ore, or nickel,

- (4) In regulation 86A(6) delete “gold” and insert:

cobalt or copper sold as a nickel by-product, gold, nickel or

- (5) In regulation 86A(7a) delete “The” and insert:

For the purposes of subregulation (4A) and (6), the

R. KENNEDY, Clerk of the Executive Council.
