



Western Australia

Mining Act 1978

## **Mining Amendment Regulations (No. 3) 2023**



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## **Mining Amendment Regulations (No. 3) 2023**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Mining Amendment Regulations (No. 3) 2023*.

**2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published on the WA legislation website;
- (b) the rest of the regulations — on 1 October 2023.

**3. Regulations amended**

These regulations amend the *Mining Regulations 1981*.

**4. Regulation 85 amended**

In regulation 85(1) insert in alphabetical order:

*beneficiated*, in relation to mineral ore, does not include —

- (a) crushed; or
- (b) screened; or
- (c) separated by hydrocycloning or a similar technology; or
- (d) washed; or
- (e) scrubbed; or

- (f) trommelled; or
- (g) dried; or
- (h) blended with another mineral or with another form of the same mineral; or
- (i) a combination of 2 or more of these processes;

**blend** means a blend or mixture of 2 or more minerals or forms of mineral referred to in the Table to regulation 86;

**5. Regulation 85B amended**

In regulation 85B(1):

- (a) delete “relevant —” and insert:

relevant, the following —

- (b) after paragraph (b) insert:

- (ba) if the mineral is sold in a blend —

- (i) the components of the blend and the quantity of each component; and
  - (ii) any other information necessary to calculate the royalty for each component;

**6. Regulation 86 amended**

- (1) Delete regulation 86(1) and insert:

- (1) When a mineral or a form of a mineral referred to in the Table to this regulation is obtained from a mining tenement, or from land the subject of an application for

a mining tenement, a royalty must be paid by the holder of, or applicant for, the mining tenement.

- (2) In regulation 86(2) after “a mineral” insert:

or form of a mineral

- (3) After regulation 86(2) insert:

- (2AA) If different minerals or forms of mineral referred to in the Table to this regulation are sold in a blend, the royalty to be paid for each mineral or form of mineral must be calculated by reference (if relevant) to the price at which the blend is sold.

- (4) In regulation 86(2a) delete the definitions of:

***Amount A***

***Amount B***

- (5) In regulation 86(2a) insert in alphabetical order:

***Amount A*** means, for the 5-year period beginning on 1 July 2010 and ending on 30 June 2015 and for each succeeding 5-year period (the ***relevant period***), the amount calculated under subregulation (2b) or provided for in subregulation (2d), as the case requires;

***Amount B*** means, for the 5-year period beginning on 1 July 2010 and ending on 30 June 2015 and for each succeeding 5-year period (the ***relevant period***), the amount calculated under subregulation (2b) or provided for in subregulation (2d), as the case requires.

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(6) In regulation 86 delete the Table and insert:

Table

Mineral	Column 1	Column 2	Column 3
	Amount per tonne according to quantity produced or obtained	Percentage of the royalty value	The rate as specified hereunder
Aggregate	Amount A		
Attapulgit		5%	
Bauxite (crushed or screened)		7½%	
Building Stone	Amount B		
Chromite in concentrate form		5%	
Clays	Amount A		
Coal (including lignite) — not exported			\$1 per tonne, to be adjusted each year at 30 June in accordance with the percentage increase in the average ex-mine value of Collie coal for the year ending on that date when compared with the corresponding value of Collie coal for the year ending on 30 June 1981.
— exported (crushed or screened)		7½%	
Cobalt			
— if sold as crushed or screened material		7½%	
— if sold in concentrate form		5%	
— if sold as a nickel by-product or in metallic form		2½%	



Mineral	Column 1	Column 2	Column 3
	Amount per tonne according to quantity produced or obtained	Percentage of the royalty value	The rate as specified hereunder
Copper	Amount A		
— if sold as crushed or screened material		7½%	
— if sold in concentrate form		5%	
— if sold as a nickel by-product or in metallic form		2½%	
Diamond		5%	
Dolomite			
Feldspar		5%	
Garnet			
— grades used for sand blasting, filtration, or waterjet cutting			5% of the royalty value, calculated on the basis of the nearest available port if exported
— grades used in higher technologies, including for garnet paper and polishing processes			2½% of the royalty value, calculated on the basis of the nearest available port if exported
Gems and precious stones	Amount A	7½%	
Gravel			
Gypsum	Amount A		
Ilmenite in concentrate form, other than ilmenite feedstock as defined in regulation 86AC		5%	
Iron ore (including magnetite)			
— crushed or screened		7½%	
— beneficiated		5%	
Kaolin		5%	

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Mineral	Column 1	Column 2	Column 3
	Amount per tonne according to quantity produced or obtained	Percentage of the royalty value	The rate as specified hereunder
Lead			
— if sold in concentrate form		5%	
— if sold in metallic form		2½%	
Leucoxene in concentrate form		5%	
Limestone (including limesands and shellsands)			
— used for agricultural or construction purposes or as a neutralising agent in tailings treatment operations	Amount A		
— used for metallurgical purposes (other than as a neutralising agent in tailings treatment operations)	Amount B		
Lithium in concentrate form		5%	
Manganese			
— crushed or screened		7½%	
— beneficiated by the producer in Western Australia		5%	
Nickel		2½%	
Ochre		5%	

Mineral	Column 1	Column 2	Column 3
	Amount per tonne according to quantity produced or obtained	Percentage of the royalty value	The rate as specified hereunder
Platinoids in metallic form		2½%	<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 = a representative market value of rare earth oxides (REO), as determined from time to time by the Minister.</p> <p>Where U = the number of units per hundred of REO in the rare earth elements-containing products sold.</p> <p>Where R = the royalty.</p>
Potash		5%	
Rare earth elements			
Rock	Amount A		
Rutile in concentrate form		5%	
Salt	Amount A		
Sand (used for construction purposes)	Amount A		
Semi-precious stones (including specimen stones)		7½%	
Silica (used for metallurgical purposes)	Amount B		
Silver (if sold as a by-product or in metallic form)		2½%	
Spongolite		5%	
Talc	Amount B		
Tantalum			

(a) 5% of the royalty value if sold in concentrate form.

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Mineral	Column 1	Column 2	Column 3
	Amount per tonne according to quantity produced or obtained	Percentage of the royalty value	The rate as specified hereunder
Tin			(b) 5% of the value in concentrate form if sold after further processing.  2½% of the royalty value of tin metal when sold in that form; or, when sold in any other form, 2½% of the value of the contained tin calculated at the ruling price of tin metal used for the purpose of the sale.
Uranium			The rate is 5% of the royalty value if sold as a uranium oxide concentrate.
Vanadium			The rate is —  (a) if sold in concentrate form (vanadium oxide), 5% of the vanadium pentoxide price; or  (b) if sold in metallic form (ferrovanadium), 2½% of the ferrovanadium price; or  (c) for vanadium not realised on contained vanadium from a product (such as magnetite) where the average grades of vanadium are over 0.275% V <sub>2</sub> O <sub>5</sub> in the ore and a vanadium circuit is not installed — 5% of the vanadium pentoxide price.
Zinc			
— if sold in concentrate form		5%	
— if sold in metallic form		2½%	
Zircon in concentrate form		5%	
A mineral that is listed in this Table but is in a form that is not listed in this Table for that mineral			The rate is —  (a) if sold as crushed or screened material, 7½% of the royalty value; or  (b) if sold in concentrate form, 5% of the royalty value; or
or			

Mineral	Column 1	Column 2	Column 3
	Amount per tonne according to quantity produced or obtained	Percentage of the royalty value	The rate as specified hereunder
a mineral that is not listed in this Table or mentioned in regulation 86AA or 86AC			<p>(c) if sold in metallic form or a form of equivalent processing, 2½% of the royalty value.; or</p> <p>(d) if sold in any other form, 7½% of the royalty value.</p>

## 7. Regulation 86AA amended

(1) Delete regulation 86AA(2) to (5) and insert:

(4) The rate of royalty payable for gold metal is 2.5% of the royalty value of the gold metal produced.

(2) In regulation 86AA(9A) delete “as a concentrate” and insert:

in concentrate form

## 8. Regulation 86AC amended

Delete regulation 86AC(4) and insert:

(4) The rate of royalty payable for ilmenite feedstock that is of marketable quality is 5% of its value.

## V. MOLAN, Clerk of the Executive Council

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