Western Australia

# Mining Regulations 1981

Compare between:

[01 Jul 2026, 12-af0-00] and [12 Nov 2026, 12-ag0-00]

# Mining Regulations 1981

## Part I — Preliminary

### 1. Citation and commencement

(1) These regulations may be cited as the *Mining Regulations 1981*.

(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 operation.

### 2. Terms used

In these regulations unless the contrary intention appears —

***additional rent*** has the meaning given in section 120E(1);

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

***Centrelink*** means the agency of the Commonwealth principally assisting in the administration of the *Human Services (Centrelink) Act 1997* (Commonwealth);

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

***eligible individual*** means an individual who —

(a) holds 1 or more of the following cards issued by Centrelink —

(i) a health care card;

(ii) a health benefit card;

(iii) a pensioner concession card;

(iv) a Commonwealth seniors health card;

or

(b) holds any other card issued by Centrelink, or a card issued by the Department of Veterans' Affairs of the Commonwealth, that certifies entitlement to Commonwealth health concessions; or

(c) is in receipt of a youth training allowance or an AUSTUDY allowance (as those terms are defined in the *Social Security Act 1991* (Commonwealth) section 23(1)); or

(d) is in receipt of benefits under the Commonwealth student assistance scheme known as the ABSTUDY Scheme; or

(e) has been granted legal aid under the *Legal Aid Commission Act 1976* or a legal aid scheme or service established under a Commonwealth, State or Territory law in respect of the proceedings under Part IV of the Act in relation to which a fee would otherwise be payable.

***environmental officer*** means a person for the time being holding or acting in the office of Environmental Officer in the Resource and Environmental Compliance Division of the Department;

***Executive Director, Resource and Environmental Compliance Division*** means the person for the time being holding or acting in the office of Executive Director, Resource and Environmental Compliance Division in the Department;

***existing exploration licence*** means an exploration licence —

(a) granted before the commencement of section 16 of the *Mining Amendment Act 1990* [1]; or

(b) for which an application was made before the commencement of section 16 of the *Mining Amendment Act 1990* [1] and which has subsequently been granted;

***file*** means file at any mining registrar's office;

***Form***, followed by a designation, means the form with that designation in Schedule 1;

***GM Mine Closure and Environmental Services*** means the person for the time being holding or acting in the office of General Manager Mine Closure and Environmental Services, Resource and Environmental Compliance Division in the Department;

***GM Mining Environmental Compliance*** means the person for the time being holding or acting in the office of General Manager Mining Environmental Compliance, Resource and Environmental Compliance Division in the Department;

***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* [1] and which has subsequently been granted;

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

***Land Register*** means the Register referred to in the *Transfer of Land Act 1893* section 48;

***lodge*** means lodge at any mining registrar's office;

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

***particulars***, in relation to a designated tenement contact, means the following details for that designated tenement contact —

(a) name;

(b) email address;

(c) postal address;

***prescribed fee*** means the relevant fee set out in Schedule 2;

***proprietor*** means —

(a) in relation to freehold land under the *Transfer of Land Act 1893*, the owner, whether in possession, remainder, reversion or otherwise, of land whose name appears in the Land Register; and

(b) in relation to freehold land not under the *Transfer of Land Act 1893*, the owner of the fee simple in the land or the person entitled to the equity of redemption in the land;

***registered native title body corporate*** has the meaning given in the *Native Title Act 1993* (Commonwealth) section 253;

***registered service address*** —

(a) of an applicant for a mining tenement — means the service address of the applicant contained in the register in relation to the application; and

(b) of the holder of a mining tenement — means the service address of the holder contained in the register in relation to the tenement;

***section*** means section of the Act;

***service address***, of a person, has the meaning given in regulation 84A(1);

***term*** of a mining tenement means the period for which the tenement remains in force whether as originally granted or as renewed, extended or otherwise continued;

***working day*** means a day on which any mining registrar's office is open for business.

*[Regulation 2 amended: Gazette 12 Nov 1982 p. 4490; 2 Oct 1987 p. 3813; 20 May 1988 p. 1705; 31 May 1991 p. 2696; 24 Jun 1994 p. 2927-8; 13 Oct 1995 p. 4814; 3 Feb 2006 p. 575-6; 9 Mar 2007 p. 867; 15 Jan 2010 p. 97 and 136; 18 Mar 2011 p. 911-12; 22 Dec 2017 p. 5989-90 and 5992-3; 13 Dec 2019 p. 4232; SL 2022/118 r. 4; SL 2022/210 r. 4; SL 2024/183 r. 4; SL 2025/153 r. 4; SL 2025/183 r. 4.]*

# Part II — Miner's rights

## 3. Miner's rights, form

A miner's right shall be in the form of Form 1.

*[Regulation 3 amended: Gazette 15 Jan 2010 p. 98.]*

## 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 40D(1)(c); or

(b) when fossicking,

shall not, on each occasion a sample or specimen is taken, exceed 20 kg.

*[Regulation 4 inserted: Gazette 20 Oct 1987 p. 3813; amended: Gazette 31 May 1991 p. 2696; 1 Feb 2013 p. 450.]*

# Part IIA — Permits under section 40E

*[Heading inserted: Gazette 2 Feb 2001 p. 705; amended: Gazette 1 Feb 2013 p. 450.]*

## 4A. Terms used

In this Part —

***date of issue***, in relation to a permit, means the day on which the permit is issued;

***issuing officer*** means the mining registrar or the holder of the office referred to in regulation 4B;

***licensee statement***, in relation to land, means a statement made in relation to the land under regulation 4H;

***permit*** means a permit under section 40E;

***permit holder***, in relation to a permit, means the person who is or was the holder of the permit;

***relevant exploration licence***, in relation to an application for a permit in respect of land, or a permit issued in respect of land, means the exploration licence that was in force for the land when the application was made or the permit was issued.

*[Regulation 4A inserted: Gazette 2 Feb 2001 p. 705; amended: Gazette 1 Feb 2013 p. 450.]*

## 4B. Prescribed office (Act s. 40E(1))

For the purposes of section 40E(1) the office of Manager Mining Information Counter, Resource Tenure Division of the Department is prescribed.

*[Regulation 4B inserted: Gazette 2 Feb 2001 p. 705; amended: Gazette 18 Mar 2011 p. 912; 1 Feb 2013 p. 451; 22 Dec 2017 p. 5990.]*

### 4C. Prescribed depth (Act s. 40E(6)(b))

For the purposes of section 40E(6)(b) the prescribed depth is 2 m below the natural surface of the land.

*[Regulation 4C inserted: Gazette 2 Feb 2001 p. 705; amended: Gazette 1 Feb 2013 p. 451.]*

### 4D. Application for permit

(1) An application for a permit is to be in the form of Form 1A.

(2) The application is to be accompanied by the relevant application fee set out in Schedule 2 item 10.

(3) The application may be accompanied by a licensee statement.

*[Regulation 4D inserted: Gazette 2 Feb 2001 p. 705-6; amended: Gazette 15 Jan 2010 p. 98 and 136; 24 Jun 2011 p. 2510; 18 Jun 2019 p. 2048.]*

### 4E. Area of land to which permit applies

(1) The area of land in respect of which a permit is issued is to be a block or blocks but is not to exceed 10 blocks.

(2) If a permit is issued in respect of 2 or more blocks the graticular sections that constitute those blocks are to —

(a) constitute a single area; and

(b) each have a side in common with at least one other graticular section in that area.

(3) The area of land in respect of which a permit is issued is to be specified in the permit by reference to the number of the block or each block, as the case requires, on a plan held at the Department.

*[Regulation 4E inserted: Gazette 2 Feb 2001 p. 706.]*

### 4F. Permit conditions

(1) An issuing officer may impose one or more of the following conditions on the issue of a permit in respect of land —

(a) a condition relating to the conservation of the land and its environment;

(b) where the land is the subject of a pastoral lease or diversification lease, a condition requiring the permit holder to give a copy of the permit to the holder of the lease before prospecting for minerals on the land;

(c) if the application for the permit is not accompanied by a licensee statement, a condition requiring the permit holder not to prospect on the land before the permit comes into operation under regulation 4I;

(d) a condition requiring the permit holder to comply with regulation 4O(1);

(e) any other reasonable condition.

(2) An issuing officer may vary or cancel a condition imposed under subregulation (1) by notice in writing given to the permit holder.

*[Regulation 4F inserted: Gazette 2 Feb 2001 p. 706; amended: SL 2023/127 r. 4.]*

### 4G. Notice of issue of permit

An issuing officer is to cause a copy of a permit to be given to the holder of the relevant exploration licence as soon as practicable after the date of issue.

*[Regulation 4G inserted: Gazette 2 Feb 2001 p. 706.]*

### 4H. Statement by holder of exploration licence

(1) The holder of an exploration licence for land may make a written statement setting out any comments the license holder

wishes to make in relation to prospecting activities proposed to be carried out on the land under a permit.

(2) A licensee statement may be given to a person who proposes to apply, or has applied, for a permit, or to whom a permit has been issued, in respect of the land.

*[Regulation 4H inserted: Gazette 2 Feb 2001 p. 707.]*

### 4I. Commencement of operation of permit

(1) If a permit holder received a licensee statement before the permit was issued, the permit comes into operation on the date of issue.

(2) If a permit holder receives a licensee statement after the date of issue, but within 21 days after the date of issue, the permit comes into operation on the day on which the permit holder receives the licensee statement.

(3) If the permit holder does not receive a licensee statement before the end of the period of 21 days after the date of issue, the permit comes into operation at the end of that 21-day period.

*[Regulation 4I inserted: Gazette 2 Feb 2001 p. 707.]*

### 4J. Expiry of permit

(1) A permit stops being in force in respect of land when one of the following happens —

(a) a notice of the surrender of the permit is lodged under regulation 4K;

(b) the permit is cancelled under regulation 4L(2)(b);

(c) the relevant exploration licence stops being in force;

(d) a mining lease, general purpose lease or retention licence is granted in respect of the land;

(e) the period of 3 months after the date of issue of the permit ends.

(2) Subregulation (1)(c) does not apply if the relevant exploration licence stops being in force because a prospecting licence or an exploration licence is granted in respect of the land as a result of a reversion licence application.

*[Regulation 4J inserted: Gazette 2 Feb 2001 p. 707; amended: Gazette 3 Feb 2006 p. 576.]*

### 4K. Surrender of permit

(1) A permit holder may surrender his or her permit by lodging notice in writing.

(2) A notice under subregulation (1) is to be —

(a) signed by the permit holder or each permit holder (if more than one); and

(b) where possible, accompanied by the permit.

*[Regulation 4K inserted: Gazette 2 Feb 2001 p. 707; amended: Gazette 18 Mar 2011 p. 912.]*

### 4L. Powers available to Minister where breach of condition etc.

(1) This regulation applies if the Minister is satisfied that a permit holder —

(a) has contravened a condition referred to in section 40E(5) or imposed on the permit in accordance with regulation 4F; or

(b) has included in the application for the permit information that the permit holder knew was false or misleading in a material respect at the time the application was made.

(2) The Minister may, subject to regulation 4M, do one or more of the following —

(a) order the permit holder to pay a monetary penalty not exceeding $5 000;

(b) cancel the permit;

(c) disqualify the permit holder from holding or applying for a permit for such period, not exceeding 3 years from the date of the decision to disqualify, as the Minister thinks fit.

(3) The Minister may take action under subregulation (2)(a) or (c) whether or not the permit has expired or has been surrendered.

(4) If there are 2 or 3 permit holders for a particular permit, those permit holders are jointly and severally liable for the payment of a penalty imposed under subregulation (2)(a).

(5) The Minister may recover a penalty imposed under subregulation (2)(a) in a court of competent jurisdiction as a debt due by the permit holder to the State.

*[Regulation 4L inserted: Gazette 2 Feb 2001 p. 708; amended: Gazette 1 Feb 2013 p. 451.]*

### 4M. Right of permit holder to make submissions

(1) The Minister is not to take action under regulation 4L(2) unless the Minister —

(a) has caused a notice in accordance with subregulation (2) to be posted to the permit holder at his or her last known address; and

(b) has considered any submissions made by the permit holder on or before the date specified in the notice.

(2) The notice is to specify —

(a) the proposed action; and

(b) a date on or before which the permit holder may make written submissions to the Minister on the matter.

*[Regulation 4M inserted: Gazette 2 Feb 2001 p. 708.]*

### 4N. Prospecting report on recovered minerals

(1) If a permit holder recovers any minerals from land in the course of prospecting in accordance with the permit, the permit holder

is to prepare and lodge a written report in accordance with subregulations (2) and (3).

(2) The report is to —

(a) contain details of each type of mineral recovered from the land; and

(b) specify the quantity of each type of mineral recovered; and

(c) specify, in relation to each type of mineral recovered, the exact location of its recovery.

(3) The permit holder must, within 14 days after the permit stops being in force —

(a) lodge the report, or cause it to be lodged; and

(b) give a copy of the report to the holder of the relevant exploration licence.

(4) A person who contravenes subregulation (1) commits an offence.

(5) A person who, in a report, gives information that the person knows is false or misleading in a material respect commits an offence.

*[Regulation 4N inserted: Gazette 2 Feb 2001 p. 709; amended: Gazette 18 Mar 2011 p. 912.]*

### 4O. Prohibition of use of certain hand tools

(1) A permit holder is not to use powered or hydraulically driven hand tools on the land the subject of the permit.

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

*[Regulation 4O inserted: Gazette 2 Feb 2001 p. 709.]*

### 4P. Application of r. 98 and 99

Regulations 98 and 99 apply to a permit holder as if references in those regulations to —

(a) the holder of a mining tenement included a permit holder; and

(b) the tenement included the land the subject of a permit.

*[Regulation 4P inserted: Gazette 2 Feb 2001 p. 709.]*

# Part III — Mining on private land

## 5. Application for permit to enter private land (Act s. 30)

(1) Applications under section 30 of the Act for a permit to enter on any private land shall be —

(a) lodged in the form of Form 2 together with the prescribed fee; and

(b) accompanied by a map on which the private land is clearly delineated.

(2) For the purposes of section 30(6) the prescribed period is 30 days.

(3) For the purposes of section 30(8) the prescribed offices or positions are —

(a) Executive Director Resource Tenure Division in the Department;

(b) General Manager Resource Tenure in the Resource Tenure Division of the Department.

*[Regulation 5 amended: Gazette 31 Jul 1992 p. 3775; 9 Mar 2007 p. 868; 15 Jan 2010 p. 98; 18 Mar 2011 p. 912; 22 Dec 2017 p. 5990.]*

## 6. Form of permit to enter

A permit to enter upon private land shall be in the form of Form 3.

*[Regulation 6 amended: Gazette 15 Jan 2010 p. 98.]*

## 7. Notice of application relating to private land (Act s. 33)

(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 section 162B of the Act, 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: Gazette 16 Nov 1990 p. 5728; 31 May 1991 p. 2696; 15 Jan 2010 p. 98-9; 1 Feb 2013 p. 451.]*

## 8. Application as to private land (Act s. 37)

(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, 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.

*[Regulation 8 amended: Gazette 18 Mar 2011 p. 912.]*

## 9. Right of way on private land (Act s. 29(7))

The right of way required under section 29(7)(b) of the Act shall be marked by clearly delineating it on a lodged map.

*[Regulation 9 amended: Gazette 18 Mar 2011 p. 913.]*

## 10. Consents under Act s. 29

(1) The consents in writing referred to in section 29(2) shall be —

(a) filed; 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; and

(b) accompanied by a copy of the certificate of title for the relevant land.

*[Regulation 10 inserted: Gazette 2 Oct 1987 p. 3814; amended: Gazette 4 Apr 1997 p. 1778; 18 Mar 2011 p. 913.]*

## 10A. Compensation (Act s. 123)

(1) A claim for compensation under section 123(3)(a) shall be lodged in the form of Form 3A.

(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's court; 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's court.

*[Regulation 10A inserted: Gazette 2 Oct 1987 p. 3814; amended: Gazette 9 Mar 2007 p. 868; 15 Jan 2010 p. 99; 18 Mar 2011 p. 913.]*

# 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.** Deleted: Gazette 2 Feb 2001 p. 712.]*

### 13. Instrument of licence

The instrument of licence for a prospecting licence shall be in the form of Form 4.

*[Regulation 13 amended: Gazette 15 Jan 2010 p. 99.]*

### 13A. Prescribed official (Act s. 46(aa)(ii))

*[(1) deleted]*

(2) The office of Environmental Officer in the Resource and Environmental Compliance Division of the Department is prescribed for the purposes of the interpretation of the term ***prescribed official*** in section 46(aa)(ii).

*[Regulation 13A inserted: Gazette 3 Feb 2006 p. 576; amended: Gazette 18 Mar 2011 p. 913; 22 Dec 2017 p. 5992-3.]*

### 14. Limit on amount of earth etc. that may be removed (Act s. 48(c))

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: 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 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 remuneration that the holder would be entitled to if engaged, under a contractual arrangement, in similar mining activity 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.

(3) If a prospecting licence has retention status, the amount to be expended during the year of the term of the licence in which retention status is approved is to be calculated on a pro rata basis for each whole month from the last anniversary date of the commencement of the term until the end of the month in which the approval takes effect.

(4) Despite subregulation (1), if a prospecting licence has retention status, expenditure is not required under this regulation during any year of the term of the licence after the year in which retention status is approved.

*[Regulation 15 amended: Gazette 16 Nov 1990 p. 5728; 31 Jul 1992 p. 3776; 11 Jun 1999 p. 2543; 18 Jun 1999 p. 2642; 17 Jan 2003 p. 110; 3 Feb 2006 p. 577.]*

**16. Reports to be filed (Act s. 51)**

(1) A report required under section 51 is to be in the form of Form 5 and is to be filed —

(a) within 60 days after each anniversary date of the commencement of the term of the licence; and

(b) within 60 days after the surrender, forfeiture, expiry or other cancellation of the licence.

(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: Gazette 2 Jul 1993 p. 3270; 17 Jan 2003 p. 110; 15 Jan 2010 p. 99; 1 Feb 2013 p. 451.]*

### 16A. Grounds for extension (Act s. 45(1a))

Each of the following is a ground for extension for the purposes of section 45(1a) —

(a) by reason of difficulties or delays —

(i) occasioned by law; or

(ii) arising from administrative, political, environmental or other requirements of governmental or other authorities, in the State or elsewhere; or

(iii) arising from a requirement to conduct an Aboriginal heritage survey on the land; or

(iv) in obtaining requisite consents or approvals for prospecting or for the marking out of a mining lease or general purpose lease in relation to any part of the land; or

(v) in gaining access to the land because of unfavourable climatic conditions,

prospecting, 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 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;

(c) work already carried out under the licence justifies further prospecting;

(d) if the prospecting licence has retention status, the grounds for approval of retention status under section 54 continue to exist.

*[Regulation 16A inserted: Gazette 3 Feb 2006 p. 577-8.]*

### 16B. Application for extension of prospecting licence (Act s. 45(1a))

(1) An application under section 45(1a) shall —

(a) be lodged during the final year of the term of the licence; and

(b) be in the form of Form 9.

*[(c) deleted]*

(2) Before the end of the period of 14 days from the day on which the application is lodged, the applicant must lodge information in support of the proposed ground for extension.

(3) If the licence is continued in force under the Act pending the determination of the application and the application is refused —

(a) if the prescribed rent has been paid under regulation 109(4) — a pro rata refund of rent is to be paid to the applicant in respect of each whole month of the remaining period for which rent has been paid commencing on the day on which the application is refused;

(b) if the prescribed rent has not been paid under regulation 109(4) — rent is to be paid by the applicant in respect of each whole month from the last anniversary date of the commencement of the term of the licence until and including the month during which the application is refused.

*[Regulation 16B inserted: Gazette 3 Feb 2006 p. 578-9; amended: Gazette 15 Jan 2010 p. 100; 18 Mar 2011 p. 913; 1 Feb 2013 p. 452; 13 Dec 2019 p. 4232.]*

### 16C. Application for retention status (Act s. 53)

(1) An application under section 53(2) shall —

(a) be lodged; and

(b) be accompanied by a statement specifying —

(i) the details of the programme of work (if any) proposed to be carried out on the land for which retention status is sought; and

(ii) the estimated amount of money (if any) proposed to be expended on such work;

and

(c) be accompanied by a statutory declaration made by the applicant or a person authorised by the applicant to the effect that —

(i) there is an identified mineral resource in, on or under the land for which retention status is sought; and

(ii) mining of that identified mineral resource is impracticable for one or more of the reasons referred to in section 54(1)(b);

and

(d) be accompanied by a description of the boundaries of the land for which retention status is sought; and

(e) be accompanied by a map that clearly indicates —

(i) the boundaries of the land for which retention status is sought; and

(ii) the location of the identified mineral resource.

(2) The application fee for the purposes of section 53(3)(e) is the fee set out in Schedule 2 item 11.

*[Regulation 16C inserted: Gazette 3 Feb 2006 p. 579-80; amended: Gazette 15 Jan 2010 p. 136; 18 Mar 2011 p. 913; 24 Jun 2011 p. 2510; 18 Jun 2019 p. 2048.]*

### 16D. Marking out of land that has retention status (Act s. 54(6))

Regulations 59, 60 and 61 apply, with any necessary modifications, in relation to marking out the boundaries of land for the purposes of section 54(6).

*[Regulation 16D inserted: Gazette 3 Feb 2006 p. 580.]*

### 16E. Application for special prospecting licence (Act s. 56A)

(1) For the purposes of section 56A(2) the prescribed period is 14 days after the day on which the application for the special prospecting licence is lodged.

(2) For the purposes of section 56A(5a) the prescribed period is 28 days after the day on which the application for the special prospecting licence is lodged.

*[Regulation 16E inserted: Gazette 3 Feb 2006 p. 580.]*

## 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.** Deleted: Gazette 2 Feb 2001 p. 712.]*

*[**18A.** Deleted: Gazette 3 Feb 2006 p. 580.]*

### 19. Instrument of licence

The instrument of licence for an exploration licence shall be in the form of Form 6.

*[Regulation 19 amended: Gazette 15 Jan 2010 p. 100.]*

### 20. Limit on amount of earth etc. that may be removed (Act s. 66(c))

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: Gazette 31 May 1991 p. 2697.]*

### 21. Expenditure condition

(1) The holder of an existing 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) —

(a) during each of years 1 to 5 of that term, 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) during each of years 6 and 7 of the term of the licence, not less than $50 000 per year irrespective of the area of the licence; or

(c) during year 8 and each subsequent year of the term of the licence, not less than $100 000 per year irrespective of the area of the licence.

(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 (1b).

(1b) The holder of a graticular exploration licence shall expend, or cause to be expended, in mining on or in connection with mining on the licence —

(a) during each of years 1 to 3 of the term of the licence, $1 000 per block —

(i) with a minimum of $10 000 where one block only is subject to the licence;

(ii) with a minimum of $15 000 where 2 to 5 blocks are subject to the licence;

(iii) with a minimum of $20 000 where 6 or more blocks are subject to the licence;

or

(b) during each of years 4 and 5 of the term of the licence, $1 500 per block —

(i) with a minimum of $10 000 where one block only is subject to the licence;

(ii) with a minimum of $20 000 where 2 to 5 blocks are subject to the licence;

(iii) with a minimum of $30 000 where 6 or more blocks are subject to the licence;

or

(c) during each of years 6 and 7 of the term of the licence, $2 000 per block —

(i) with a minimum of $15 000 where one block only is subject to the licence;

(ii) with a minimum of $30 000 where 2 to 5 blocks are subject to the licence;

(iii) with a minimum of $50 000 where 6 or more blocks are subject to the licence;

or

(d) during year 8, and each subsequent year of the term of the licence, $3 000 per block —

(i) with a minimum of $20 000 where one block only is subject to the licence;

(ii) with a minimum of $50 000 where 2 to 5 blocks are subject to the licence;

(iii) with a minimum of $70 000 where 6 or more blocks are subject to the licence.

(1c) Subregulations (1) and (1b) apply 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; or

(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 (1) or (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 remuneration that the holder would be entitled to if engaged, under a contractual arrangement, in similar mining activity elsewhere in the district is to be deemed to have been expended during that year or period, as the case requires.

(4) If an exploration licence has retention status, the amount to be expended during the year of the term of the licence in which retention status is approved is to be calculated on a pro rata basis for each whole month from the last anniversary date of the commencement of the term until the end of the month in which the approval takes effect.

(5) Despite subregulations (1) and (1b), if an exploration licence has retention status, expenditure is not required under this regulation during any year of the term of the licence after the year in which retention status is approved.

*[Regulation 21 amended: Gazette 16 Nov 1990 p. 5728; 31 May 1991 p. 2697; 31 Jul 1992 p. 3776; 13 Oct 1995 p. 4814-15; 11 Jun 1999 p. 2543; 18 Jun 1999 p. 2642-3; 17 Jan 2003 p. 110; 3 Feb 2006 p. 581-3.]*

### 21A. Prescribed official (Act s. 63(aa)(ii))

*[(1) deleted]*

(2) The office of Environmental Officer in the Resource and Environmental Compliance Division of the Department is prescribed for the purposes of the interpretation of the term ***prescribed official*** in section 63(aa)(ii).

*[Regulation 21A inserted: Gazette 3 Feb 2006 p. 584; amended: Gazette 18 Mar 2011 p. 914; 22 Dec 2017 p. 5992-3.]*

### 22. Reports to be filed (Act s. 68(3))

(1) The reports required under section 68(3) shall be a report on operations on the mining tenement in the form of Form 5 to be filed —

(a) within 60 days after each anniversary date of the commencement of the term of the licence; and

(b) within 60 days after the surrender, forfeiture, expiry or other cancellation of the licence.

(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: Gazette 2 Jul 1993 p. 3270; 13 Oct 1995 p. 4815; 17 Jan 2003 p. 110-11; 15 Jan 2010 p. 100; 1 Feb 2013 p. 452.]*

***[22A, 22B.*** *Deleted: Gazette 1 Feb 2013 p. 452.]*

### 23. Endorsement of plans upon surrender (Act s. 65)

(1) The surrender under section 65 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 shall be marked on each plan; and

(b) on each plan the portion 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 that date and time shall be endorsed on that portion of each plan.

(2) Notification for the purposes of section 65(6)(a) shall be given by endorsing the date (the ***release date***) and time chosen under subregulation (1)(c) on the plans referred to in section 65(5) at least 14 days before the release date.

*[Regulation 23 inserted: Gazette 31 May 1991 p. 2697; amended: Gazette 3 Feb 2006 p. 586; 9 Nov 2012 p. 5399.]*

### 23AA. Refund of rent following unsuccessful application under Act s. 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: Gazette 13 Oct 1995 p. 4815.]*

### 23AB. Grounds for extension (Act s. 61(2))

Each of the following is a ground for extension for the purposes of section 61(2) —

(a) by reason of difficulties or delays —

(i) occasioned by law; or

(ii) arising from administrative, political, environmental or other requirements of governmental or other authorities, in the State or elsewhere; or

(iia) arising from a requirement to conduct an Aboriginal heritage survey on the land; 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; or

(iv) in gaining access to the land because of unfavourable climatic conditions,

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 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;

(c) work already carried out under the licence justifies further exploration;

(d) if the exploration licence has retention status, the grounds for approval of retention status under section 69B continue to exist.

*[Regulation 23AB inserted: Gazette 13 Oct 1995 p. 4816; amended: Gazette 3 Feb 2006 p. 586-7; 5 Mar 2010 p. 850.]*

### 23A. Extension of exploration licence (Act s. 61)

(1) An application under section 61 to extend the term of an exploration licence shall —

(a) be lodged during the final year of the term of the licence; and

(b) be in the form of Form 9.

*[(c) deleted]*

(2) Before the end of the period of 14 days from the day on which the application is lodged, the applicant must lodge —

(a) information in support of the proposed ground for extension; and

(b) a summary of work already carried out under the licence; and

(c) a detailed programme of work proposed to be carried out under the licence.

(3) If the licence is continued in force under the Act pending the determination of the application and the application is refused —

(a) if the prescribed rent has been paid under regulation 109(4) — a pro rata refund of rent is to be paid to the applicant in respect of each whole month of the remaining period for which rent has been paid commencing on the day on which the application is refused;

(b) if the prescribed rent has not been paid under regulation 109(4) — rent is to be paid by the applicant in respect of each whole month from the last anniversary date of the commencement of the term of the licence until and including the month during which the application is refused.

*[Regulation 23A inserted: Gazette 2 Oct 1987 p. 3815; amended: Gazette 13 Oct 1995 p. 4816; 2 Feb 2001 p. 712; 3 Feb 2006 p. 587-8; 15 Jan 2010 p. 100; 18 Mar 2011 p. 914; 1 Feb 2013 p. 452; 13 Dec 2019 p. 4232-3.]*

### 23BA. Application for retention status (Act s. 69A)

(1) An application under section 69A(2) shall —

(a) be lodged; and

(b) be accompanied by a statement specifying —

(i) the details of the programme of work (if any) proposed to be carried out on the land for which retention status is sought; and

(ii) the estimated amount of money (if any) proposed to be expended on such work;

and

(c) be accompanied by a statutory declaration made by the applicant or a person authorised by the applicant to the effect that —

(i) there is an identified mineral resource in, on or under the land for which retention status is sought; and

(ii) mining of that identified mineral resource is impracticable for one or more of the reasons referred to in section 69B(1)(b);

and

(d) be accompanied by a description of the boundaries of the land for which retention status is sought; and

(e) be accompanied by a map that clearly indicates —

(i) the boundaries of the land for which retention status is sought; and

(ii) the location of the identified mineral resource.

(2) The application fee for the purposes of section 69A(3)(e) is the fee set out in Schedule 2 item 11.

*[Regulation 23BA inserted: Gazette 3 Feb 2006 p. 588-9; amended: Gazette 15 Jan 2010 p. 100 and 136; 18 Mar 2011 p. 914; 24 Jun 2011 p. 2510; 18 Jun 2019 p. 2048.]*

### 23BB. Application for special prospecting licence (Act s. 70)

(1) For the purposes of section 70(2) the prescribed period is 14 days after the day on which the application for the special prospecting licence is lodged.

(2) For the purposes of section 70(5a) the prescribed period is 28 days after the day on which the application for the special prospecting licence is lodged.

*[Regulation 23BB inserted: Gazette 3 Feb 2006 p. 589.]*

## Division 2A — Retention licences

*[Heading inserted: Gazette 24 Jun 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: Gazette 24 Jun 1994 p. 2928; amended: Gazette 4 Apr 1997 p. 1778.]*

### 23C. Time for lodging statutory declaration

For the purposes of section 70C(2A) the prescribed period is 14 days after the day on which the application for the retention licence is lodged.

*[Regulation 23C inserted: Gazette 18 Mar 2011 p. 914.]*

### 23D. Instrument of licence

The instrument of licence for a retention licence shall be in the form of Form 7.

*[Regulation 23D inserted: Gazette 24 Jun 1994 p. 2928; amended: Gazette 15 Jan 2010 p. 101.]*

### 23DA. Prescribed official (Act s. 70H(1))

*[(1) deleted]*

(2) The office of Environmental Officer in the Resource and Environmental Compliance Division of the Department is prescribed for the purposes of the interpretation of the term ***prescribed official*** in section 70H(1)(aa)(ii).

*[Regulation 23DA inserted: Gazette 3 Feb 2006 p. 589-90; amended: Gazette 18 Mar 2011 p. 914; 22 Dec 2017 p. 5992-3.]*

### 23E. Reports to be lodged (Act s. 70H(1))

(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 of Form 5 to be lodged —

(a) within 60 days after each anniversary date of the commencement of the term of the licence; and

(b) within 60 days after the surrender, forfeiture, expiry or other cancellation of the licence.

(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: Gazette 24 Jun 1994 p. 2928-9; amended: Gazette 17 Jan 2003 p. 111; 15 Jan 2010 p. 101; 1 Feb 2013 p. 452.]*

### 23F. Application for renewal (Act s. 70E(2))

(1) An application under section 70E(2) for the renewal or further renewal of a retention licence shall be —

(a) made in the form of Form 9; and

*[(b) deleted]*

(c) lodged at any time during the final year of the term of that licence.

(2) Before the end of the period of 14 days from the day on which the application is lodged, the applicant must lodge —

(a) a report setting out a summary of any work and any investigations carried out under the licence; and

(b) a detailed programme of any work and any investigations proposed to be carried out under the licence; and

(c) 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).

(3) If the licence is continued in force under the Act pending the determination of the application and the application is refused —

(a) if the prescribed rent has been paid under regulation 109(4) — a pro rata refund of rent is to be paid to the applicant in respect of each whole month of the remaining period for which rent has been paid commencing on the day on which the application is refused;

(b) if the prescribed rent has not been paid under regulation 109(4) — rent is to be paid by the applicant in respect of each whole month from the last anniversary date of the commencement of the term of the licence until and including the month during which the application is refused.

*[Regulation 23F inserted: Gazette 24 Jun 1994 p. 2929; amended: Gazette 2 Feb 2001 p. 712; 15 Jan 2010 p. 101; 18 Mar 2011 p. 925; 1 Feb 2013 p. 452; 13 Dec 2019 p. 4233-4.]*

### 23G. Limit on amount of earth etc. that may be removed (Act s. 70J(c))

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: Gazette 24 Jun 1994 p. 2929.]*

*[**23H.** Deleted: Gazette 3 Feb 2006 p. 590.]*

## Division 3 — Mining leases

### 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.

### 25AA. Time for lodging mining proposal

For the purposes of section 74(1AA) the prescribed period is 14 days after the day on which the application for the mining lease is lodged.

*[Regulation 25AA inserted: Gazette 18 Mar 2011 p. 915.]*

### 25. Guidelines, publication of (Act s. 70P)

For the purposes of section 70P —

(a) copies of the guidelines are to be made available at each office of the Department; and

(b) an electronic version of the guidelines is to be published on the Department's internet website.

*[Regulation 25 inserted: Gazette 3 Feb 2006 p. 590.]*

### 25A. Marking out after grant of lease (Act s. 73(2))

Regulations 59, 60 and 61 apply, with any necessary modifications, in relation to marking out the boundaries of an area for the purposes of section 73(2).

*[Regulation 25A inserted: Gazette 3 Feb 2006 p. 590.]*

### 25B. Fees for copies of certain documents

A person who wishes to obtain —

(a) a copy of a document referred to in section 74(5); or

(b) a copy of a report under section 74A; or

(c) a copy of any part of such a document or report,

shall pay the fee set out in Schedule 2 item 12.

*[Regulation 25B inserted: Gazette 3 Feb 2006 p. 590; amended: Gazette 15 Jan 2010 p. 136; 24 Jun 2011 p. 2511; 18 Jun 2019 p. 2048.]*

### 25C. Qualified persons (Act s. 74(7))

For the purposes of paragraph (a) of the definition of ***qualified person*** in section 74(7) each of the following is a prescribed body —

(a) the Australasian Institute of Mining and Metallurgy;

(b) the Australian Institute of Geoscientists.

*[Regulation 25C inserted: Gazette 3 Feb 2006 p. 591.]*

### 26. Instrument of lease

The instrument of lease for a mining lease shall be in the form of Form 8.

*[Regulation 26 amended: Gazette 15 Jan 2010 p. 101.]*

*[**27.** Deleted: Gazette 18 Mar 2011 p. 915.]*

### 28. Additional condition

In addition to the 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 an environmental officer are likely to endanger the safety of any person or animal will be filled in or otherwise made safe to the satisfaction of the environmental officer.

*[Regulation 28 amended: Gazette 3 Feb 2006 p. 591; 18 Mar 2011 p. 915.]*

*[**28A.** Deleted: SL 2025/153 r. 5.]*

### 29. Application for renewal (Act s. 78)

(1) Application for renewal of a mining lease under section 78 shall be —

(a) made in the form of Form 9; and

*[(b) deleted]*

(c) lodged at any time during the final year of the term of that lease.

(2) If the lease is continued in force under the Act pending the determination of the application and the application is refused —

(a) if the prescribed rent has been paid under regulation 109(4) — a pro rata refund of rent is to be paid to the applicant in respect of each whole month of the remaining period for which rent has been paid commencing on the day on which the application is refused;

(b) if the prescribed rent has not been paid under regulation 109(4) — rent is to be paid by the applicant in respect of each whole month from the last anniversary date of the commencement of the term of the lease until

and including the month during which the application is refused.

*[Regulation 29 inserted: Gazette 2 Oct 1987 p. 3816; amended: Gazette 2 Feb 2001 p. 712; 15 Jan 2010 p. 102; 18 Mar 2011 p. 925; 13 Dec 2019 p. 4234.]*

### 30. Notice required (Act s. 56A(8), 70(6) or 85B(3))

When the holder of —

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

(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 of Form 21 on the holder of —

(aa) the prospecting licence first-mentioned in section 56A(1); or

(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: Gazette 24 Jun 1994 p. 2930; amended: Gazette 15 Jan 2010 p. 102.]*

### 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 remuneration that the holder would be entitled to if engaged, under a contractual arrangement, in similar mining activity elsewhere in the district shall be deemed to have been expended:

Provided that where the area of a mining lease does not exceed 5 ha 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.

(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: Gazette 16 Nov 1990 p. 5728; 31 Jul 1992 p. 3776; 11 Jun 1999 p. 2544; 18 Jun 1999 p. 2643; 17 Jan 2003 p. 111.]*

### 31A. Prescribed official (Act s. 82(1)(ca))

*[(1) deleted]*

(2) The office of Environmental Officer in the Resource and Environmental Compliance Division of the Department is prescribed for the purposes of the interpretation of the term ***prescribed official*** in section 82(1)(ca)(i).

*[Regulation 31A inserted: Gazette 3 Feb 2006 p. 591; amended: Gazette 18 Mar 2011 p. 915; 22 Dec 2017 p. 5992-3.]*

### 32. Reports to be filed (Act s. 82(1))

(1) The reports required under section 82(1) shall be in the form of Form 5 and filed —

(a) within 60 days after each anniversary date of the commencement of the term of the lease; and

(b) within 60 days after the surrender, forfeiture, expiry or other cancellation of the lease.

(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: Gazette 2 Oct 1987 p. 3816; 2 Jul 1993 p. 3270; 17 Jan 2003 p. 112; 15 Jan 2010 p. 102; 1 Feb 2013 p. 453.]*

### 32A. Prescribed matters (Act s. 82A)

(1) For the purposes of section 82A(2) the following kinds of mining operations are prescribed —

(a) open-cut operations;

(b) underground operations;

(c) quarrying operations;

(d) dredging operations;

(e) harvesting operations;

(f) scraping operations;

(g) leaching operations;

(h) tailing treatment operations;

(i) construction activities incidental or conducive to mining operations, including the construction of plant, tailing storage facilities and overburden dumps.

*[(2) deleted]*

(3) For the purposes of section 82A(2)(b) the prescribed officials are the following —

*[(a) deleted]*

(b) Executive Director, Resource and Environmental Compliance Division;

(c) GM Mine Closure and Environmental Services;

(d) GM Mining Environmental Compliance.

*[Regulation 32A inserted: Gazette 3 Feb 2006 p. 592; amended: Gazette 18 Mar 2011 p. 915; 22 Dec 2017 p. 5990; SL 2022/210 r. 5.]*

### 33A. Prescribed matters (Act s. 84AA)

(1) For the purposes of section 84AA(1)(c), (2)(b) and (3) the prescribed officials are the following —

*[(a) deleted]*

(b) Executive Director, Resource and Environmental Compliance Division;

(c) GM Mine Closure and Environmental Services;

(d) GM Mining Environmental Compliance.

(2) For the purposes of section 84AA(3) the prescribed time is 30 days after the day on which the applicable review period under section 84AA(1) or (2) expires.

*[Regulation 33A inserted: Gazette 18 Mar 2011 p. 915; amended: Gazette 22 Dec 2017 p. 5990-1; SL 2022/210 r. 6.]*

## Division 4 — General purpose leases

### 33. Marking out and applying for lease

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.** Deleted: Gazette 2 Feb 2001 p. 712.]*

### 35. Instrument of lease

The instrument of lease for a general purpose lease shall be in the form of Form 10.

*[Regulation 35 amended: Gazette 15 Jan 2010 p. 102.]*

### 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; and

(b) use the land in respect of which the lease is granted only for the purposes specified in the lease; and

(c) not transfer or mortgage a legal interest in 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; and

(d) lodge such periodical reports as are approved by the Director General of Mines as being required in respect of a general purpose lease; and

(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: Gazette 2 Oct 1987 p. 3837; 3 Feb 2006 p. 519; 18 Mar 2011 p. 916.]*

### 36A. Application for renewal (Act s. 88)

(1) Application for renewal of a general purpose lease under section 88 shall be —

(a) in the form of Form 9; and

*[(b) deleted]*

(c) lodged at any time during the final year of the term of that lease.

(2) If the lease is continued in force under the Act pending the determination of the application and the application is refused —

(a) if the prescribed rent has been paid under regulation 109(4) — a pro rata refund of rent is to be paid to the applicant in respect of each whole month of the remaining period for which rent has been paid commencing on the day on which the application is refused;

(b) if the prescribed rent has not been paid under regulation 109(4) — rent is to be paid by the applicant in respect of each whole month from the last anniversary date of the commencement of the term of the lease until and including the month during which the application is refused.

*[Regulation 36A inserted: Gazette 2 Oct 1987 p. 3817; amended: Gazette 2 Feb 2001 p. 712; 15 Jan 2010 p. 103; 18 Mar 2011 p. 925; 13 Dec 2019 p. 4234-5.]*

## Division 5 — Miscellaneous licences

### 37. Application

*[(1) deleted]*

(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 written details of —

(a) any works to be constructed in connection with the licence; and

(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: Gazette 16 Nov 1990 p. 5728; 13 Oct 1995 p. 4816; 17 Jan 2003 p. 112; 15 Aug 2003 p. 3693; 15 Jan 2010 p. 103; 18 Mar 2011 p. 925; 1 Feb 2013 p. 453.]*

**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.** Deleted: Gazette 2 Feb 2001 p. 712.]*

*[**40.** Deleted: Gazette 13 Oct 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; and

(b) continuously use the licence for the purpose for which it was granted; and

(c) not transfer or mortgage a legal interest in 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; and

(d) lodge such periodical reports as are approved by the Director General of Mines as being required in respect of a miscellaneous licence; and

(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: Gazette 2 Oct 1987 p. 3837; 3 Feb 2006 p. 519; 18 Mar 2011 p. 916.]*

### 42. Instrument of licence

The instrument of licence for a miscellaneous licence shall be in the form of Form 11.

*[Regulation 42 amended: Gazette 15 Jan 2010 p. 103.]*

### 42A. Application for renewal (Act s. 91A or 91B)

(1) Application for renewal of a miscellaneous licence under section 91A or 91B shall be —

(a) in the form of Form 9; and

*[(b) deleted]*

(c) lodged at any time during the final year of the term of that licence.

(2) If the licence is continued in force under the Act pending the determination of the application and the application is refused —

(a) if the prescribed rent has been paid under regulation 109(4) — a pro rata refund of rent is to be paid to the applicant in respect of each whole month of the remaining period for which rent has been paid commencing on the day on which the application is refused;

(b) if the prescribed rent has not been paid under regulation 109(4) — rent is to be paid by the applicant in respect of each whole month from the last anniversary date of the commencement of the term of the licence

until and including the month during which the application is refused.

*[Regulation 42A inserted: Gazette 2 Oct 1987 p. 3817; amended: Gazette 11 Jun 1999 p. 2544; 2 Feb 2001 p. 712; 15 Jan 2010 p. 104; 18 Mar 2011 p. 925; 1 Feb 2013 p. 453; 13 Dec 2019 p. 4235.]*

### 42B. Prescribed purposes (Act s. 91(1))

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;

(n) a communications facility;

(o) a drainage channel;

(p) a pump station;

(q) a minesite accommodation facility;

(r) a bore;

(s) a bore field;

(t) a water management facility;

(u) a power generation and transmission facility;

(v) a storage or transportation facility for minerals or mineral concentrate;

(w) a minesite administration facility;

(x) a workshop and storage facility;

(y) a jetty.

*[Regulation 42B inserted: Gazette 13 Oct 1995 p. 4817; amended: Gazette 4 Apr 1997 p. 1778; 1 Aug 2008 p. 3456.]*

## Division 6 — Surrenders and forfeitures

### 43. Surrender of tenement (Act s. 95)

(1) The holder of a mining tenement wishing to surrender in whole such tenement must execute and lodge a surrender in the form of Form 12.

(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: Gazette 12 Nov 1982 p. 4490; 15 Jan 2010 p. 104; 13 Dec 2019 p. 4235.]*

### 44. Shape of tenement after partial surrender (Act s. 95)

(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(4b).

(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: Gazette 12 Nov 1982 p. 4490; 31 May 1991 p. 2697-8; 9 Nov 2012 p. 5400.]*

**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, instead of a notice of marking out, a notice of re-marking in the form of Form 13 shall be used.

(3) A partial surrender in the form of Form 14 shall be executed and lodged with the prescribed fee and, in the case of an exploration licence, evidence of the approval required by section 95A(2).

(4) Any posts or notice of re-marking placed in connection with a surrender pursuant to this regulation shall be removed in the 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 of Form 14 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: Gazette 15 Jun 1984 p. 1655; 20 Jun 1986 p. 2084; 26 Jun 1987 p. 2526; 2 Oct 1987 p. 3817; 16 Nov 1990 p. 5728; 31 May 1991 p. 2698 (corrigendum: Gazette 7 Jun 1991 p. 2836); 21 Jun 1991 p. 3055; 24 Jun 1994 p. 2931; 17 Jan 2003 p. 106; 15 Jan 2010 p. 104; 13 Dec 2019 p. 4236.]*

### 46. Partial surrender to be endorsed on instrument of lease or 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: 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: Gazette 13 Oct 1995 p. 4817.]*

*[**48.** Deleted: Gazette 9 Mar 2007 p. 868.]*

### 49. Forfeiture for non-payment of rent etc. (Act s. 96(1))

(1) An application for the forfeiture of a mining tenement under section 96(1)(a) of the Act must be in the form of Form 15.

(2) On receipt of an application referred to in subregulation (1), the warden must fix a date on which the warden 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 must then cause the following action to be taken —

(a) written notification of the intended hearing to be given to the holder of the mining tenement, at least 30 days prior to the fixed date; and

(aa) where the mining tenement is encumbered by a mortgage, a copy of the notification to be forwarded to the mortgagee by post; and

(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) The holder of the mining tenement may lodge a written submission relating to the application at any time before the fixed date.

(4) If a submission is lodged under subregulation (3) the warden must consider it at the hearing of the application.

*[Regulation 49 amended: Gazette 24 Dec 1993 p. 6828; 9 Mar 2007 p. 868-9; 15 Jan 2010 p. 105; 18 Mar 2011 p. 925; SL 2025/183 r. 5.]*

**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 given to the holder 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*; and

(c) where the mining tenement is encumbered by a mortgage, a copy of the notification to be forwarded to the mortgagee by post.

*[Regulation 50 amended: Gazette 24 Jun 1994 p. 2931; 9 Mar 2007 p. 869; SL 2025/183 r. 6.]*

### 51. Application for restoration of tenement (Act s. 97A)

An application under section 97A for restoration of a mining tenement and cancellation of forfeiture shall be —

(a) in the form of Form 17; and

*[(b) deleted]*

(c) accompanied by any outstanding rent payable by the applicant under the Act in relation to the forfeited tenement; and

(d) made within 30 days of the forfeiture of the mining tenement.

*[Regulation 51 inserted: Gazette 2 Oct 1987 p. 3818; amended: Gazette 24 Jun 1994 p. 2931; 15 Jan 2010 p. 105; 18 Mar 2011 p. 916; 1 Feb 2013 p. 453; SL 2026/124 r. 4.]*

### 51A. Notice of application for restoration (Act s. 97A)

Notice of an application made under section 97A(1) shall be in the form of Form 17.

*[Regulation 51A inserted: Gazette 2 Oct 1987 p. 3818; amended: Gazette 15 Jan 2010 p. 105.]*

*[**51B.** Deleted: Gazette 9 Mar 2007 p. 869.]*

### 52. Reduced expenditure where forfeiture plaint lodged

Notwithstanding regulations 15(1), 21(1) and (1b) and 31(1), where an application under section 96(1)(b) or 98(1) 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 application.

*[Regulation 52 inserted: Gazette 16 Nov 1990 p. 5728; amended: Gazette 3 Feb 2006 p. 592; 9 Mar 2007 p. 870; 15 Jan 2010 p. 105.]*

### 53. Reduced expenditure where forfeiture cancelled

Notwithstanding regulations 15(1), 21(1) and 31(1), where —

(a) a mining tenement is forfeited under or by virtue of section 96, 96A or 97 of the Act; and

(b) the forfeiture is then cancelled under section 97A(8),

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 forfeiture to the date of cancellation of the forfeiture.

*[Regulation 53 inserted: Gazette 9 Mar 2007 p. 870.]*

## Division 7 — Exemptions

### 54. Application for certificate of exemption (Act s. 102)

(1) An application for a certificate of exemption under section 102 shall be made in the form of Form 18 and lodged 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) A copy of a Form 18 lodged under section 102 must be published on the Department's website.

(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 reasons in the form of a statutory declaration supporting the application for the certificate of exemption within 28 days after the lodgment of the application.

*[(4) deleted]*

*[Regulation 54 inserted: Gazette 2 Oct 1987 p. 3818; amended: Gazette 31 May 1991 p. 2698; 13 Oct 1995 p. 4818; 4 Apr 1997 p. 1778; 17 Jan 2003 p. 113; 15 Jan 2010 p. 106; 18 Mar 2011 p. 916; 1 Feb 2013 p. 453; SL 2020/108 r. 4.]*

*[**55.** Deleted: SL 2020/108 r. 6.]*

*[**56.** Deleted: Gazette 9 Mar 2007 p. 870.]*

*[**57.** Deleted: Gazette 2 Oct 1987 p. 3818.]*

### 58. Certificate of exemption (Act s. 102 or 102A)

A certificate of exemption under section 102 or 102A shall be in the form of Form 19.

*[Regulation 58 amended: Gazette 2 Oct 1987 p. 3819; 15 Jan 2010 p. 106.]*

### 58A. Aggregate exploration expenditure (Act s. 102(2a))

(1) In this regulation —

***relevant operations report*** means a report of the kind required under section 51, 68(3), 70H(1)(f) or 82(1)(e) —

(a) filed for a combined reporting tenement; and

(b) covering the year or any part of the year to which the proposed exemption relates.

(2) For the purposes of the definition of ***aggregate exploration expenditure*** in section 102(2a), the expenditure is to be worked out by adding together the total exploration expenditure shown in each relevant operations report.

*[Regulation 58A inserted: Gazette 3 Feb 2006 p. 593.]*

# Part 4A — Conditions and approvals

*[Heading inserted: SL 2025/156 r. 4.]*

## Division 1 — Preliminary

*[Heading inserted: SL 2025/156 r. 4.]*

### 58B. Terms used

In this Part —

***environmental impact***, in relation to relevant activities, means any change to the environment, whether adverse or beneficial, that wholly or partly results or may result from the relevant activities;

***environmental risk***, in relation to relevant activities, means the chance of something happening as a consequence of the relevant activities that will have an adverse environmental impact, measured in terms of the environmental consequences and the likelihood of those particular consequences occurring;

***relevant activities*** means —

(a) in relation to a mining development and closure proposal — the activities in respect of which the proposal is required under section 103AL(2)(b) or (3) or 103AM(2)(b) or (3); and

(b) in relation to a mine closure plan —

(i) mining operations carried out or to be carried out on the site; and

(ii) the decommissioning of each mine on the site; and

(iii) the rehabilitation of the site;

***site*** means the land that is to be the subject of the mining lease or miscellaneous licence to which a mining development and closure proposal or a mine closure plan relates.

*[Regulation 58B inserted: SL 2025/156 r. 4.]*

## Division 2 — Eligible mining activities

*[Heading inserted: SL 2025/156 r. 4.]*

### 58C. Terms used

In this Division —

***holder***, in relation to an EMA, means —

(a) if the EMA is carried out on a mining tenement that is the subject of a prospecting licence, exploration licence, retention licence or miscellaneous licence — the licensee; and

(b) if the EMA is carried out on a mining tenement that is the subject of a mining lease or general purpose lease — the lessee;

***relevant mining activity*** means any of the following —

(a) drilling and activities associated with drilling including, without limitation —

(i) the construction of drill pads; and

(ii) the excavation of sumps to contain and manage groundwater and fluid runoff from the drilling;

(b) excavating land to a maximum depth of 4 m, including —

(i) conducting scrape and detect operations (as defined in the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* Schedule 1 clause 1); and

(ii) costeaning; and

(iii) excavating trial pits;

(c) constructing, maintaining and improving tracks providing access to a site where any activity mentioned in paragraph (a) or (b) is carried out;

(d) rehabilitation of land affected by any activity mentioned in paragraph (a), (b) or (c).

*[Regulation 58C inserted: SL 2025/156 r. 4.]*

**58D. When relevant mining activity is an EMA**

A relevant mining activity is an EMA if —

(a) it is carried out for the purpose of prospecting or exploring for minerals; and

(b) it can be carried out in conformity with the prescribed requirements set out in regulations 58E to 58I.

*[Regulation 58D inserted: SL 2025/156 r. 4.]*

**58E. Prescribed requirements for EMAs: limits on size**

(1) The area of the surface of land disturbed by an EMA, when aggregated with the area of the surface of land disturbed by all other EMAs to which the same EMA notice relates, must not exceed 2 hectares.

(2) If the EMA consists of or includes excavating land (including for the purpose of constructing a drill pad) — the quantity of material excavated, extracted or removed, when aggregated with the quantity of material excavated, extracted or removed by all other excavation activity to which the same EMA notice relates, must not exceed 1 000 tonnes.

*[Regulation 58E inserted: SL 2025/156 r. 4.]*

**58F. Prescribed requirements for EMAs: prohibited activities**

(1) In this regulation —

***clearing*** has the meaning given in the *Environmental Protection Act 1986* section 51A;

***environmental value*** has the meaning given in the *Environmental Protection Act 1986* section 3(1);

***native vegetation*** has the meaning given in the *Environmental Protection Act 1986* section 3(1);

***riparian vegetation*** has the meaning given in the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* regulation 3.

(2) In carrying out an EMA, the holder must not clear riparian vegetation.

(3) In carrying out an EMA, the holder must not clear trees having a trunk diameter of 300 mm or more at a height of 1 300 mm above ground level.

(4) In carrying out an EMA, the holder must apply the following principles, set out in descending order of priority —

(a) avoid clearing native vegetation;

(b) minimise the amount of native vegetation that is cleared;

(c) reduce the impact of clearing on any environmental value.

*[Regulation 58F inserted: SL 2025/156 r. 4.]*

### 58G. Prescribed requirements for EMAs: work management

(1) In carrying out an EMA, the holder must ensure —

(a) that soil erosion and other similar land degradation is limited or avoided; and

(b) that, to the extent practicable, the quality and flow of surface water are not affected; and

(c) that intercepted groundwater and drill fluids are contained and appropriately stored.

(2) The holder must ensure that surface holes drilled in connection with an EMA —

(a) are plugged immediately after being drilled; and

(b) within 12 months after being drilled, are securely plugged underground, backfilled and mounded so as to prevent subsidence.

(3) The holder must manage open excavations associated with an EMA so as to ensure that fauna are not trapped.

(4) The holder must backfill and appropriately profile an excavation associated with an EMA so as to match the pre-existing land profile and drainage flows.

(5) The holder must ensure that environmentally hazardous materials associated with an EMA are appropriately managed and stored so as to prevent contamination or pollution of the environment.

(6) The holder must ensure that a sample bag associated with an EMA is removed from the mining tenement —

(a) before any decay or loss of structural integrity occurs; and

(b) in any event, not later than 12 months after its initial placement.

(7) The holder must ensure that waste, rubbish, equipment and structures associated with an EMA are removed from the mining tenement or disposed of in an appropriate manner as soon as practicable and in any event within 12 months after their initial placement.

*[Regulation 58G inserted: SL 2025/156 r. 4.]*

### 58H. Prescribed requirements for EMAs: rehabilitation

(1) In carrying out an EMA, the holder must —

(a) harvest, store and protect cleared topsoil and cleared vegetation in a manner that maintains their viability for use in rehabilitation; and

(b) within 12 months after the completion of mining and excavation activities comprised in the EMA, spread the

topsoil and cleared vegetation over all cleared areas associated with the EMA.

(2) The holder must rehabilitate all land disturbance (including soil compaction) resulting from an EMA that is the subject of an EMA notice within 12 months after the completion of mining and excavation activities comprised in the EMA.

(3) The holder must ensure that a rehabilitated area associated with an EMA is safe, stable, non-polluting and capable of supporting —

(a) a self-sustaining ecosystem; or

(b) the use to which the area was put before the EMA was carried out.

*[Regulation 58H inserted: SL 2025/156 r. 4.]*

### 58I. Prescribed requirements for EMAs: records

The holder must —

(a) make and maintain records of —

(i) the location and area of land disturbed in connection with an EMA; and

(ii) the date on which the EMA affecting that land was commenced; and

(iii) the date on which the EMA affecting that land was completed; and

(iv) the date by which that land was rehabilitated;

and

(b) provide the records to the Department upon request.

*[Regulation 58I inserted: SL 2025/156 r. 4.]*

### 58J. Giving notices

(1) In this regulation —

***electronic lodgment*** means lodgment by means of an electronic lodgment system that is —

(a) provided by the Department for this purpose; and

(b) accessed through the Department's website.

(2) An EMA notice must be given to the Minister by electronic lodgment.

(3) A notice of completion under section 103AF(2) must be given to the Minister —

(a) by electronic lodgment; and

(b) not later than 3 months after the completion of the EMA to which the notice relates.

*[Regulation 58J inserted: SL 2025/156 r. 4.]*

### 58K. Prescribed conditions for mining tenements

(1) For the purposes of this regulation —

(a) an EMA notice relates to a mining tenement if it relates to 1 or more EMAs (each a ***relevant EMA***) to be carried out on land that is the subject of the tenement; and

(b) an EMA notice is ***active*** in relation to a mining tenement if —

(i) it relates to the tenement; and

(ii) it has been given to the Minister; and

(iii) a notice of completion has not been given to the Minister under section 103AF(2) in relation to each relevant EMA.

(2) It is a condition of every mining tenement that the holder must not give an EMA notice relating to the tenement at a time when more than 1 EMA notice relating to the tenement is active.

(3) It is a condition of every mining tenement that the holder must not give an EMA notice relating to the tenement in any financial year in which more than 4 EMA notices relating to the tenement have already been given.

*[Regulation 58K inserted: SL 2025/156 r. 4.]*

## Division 3 — Programmes of work

*[Heading inserted: SL 2025/156 r. 4.]*

### 58L. Information to be included in programmes of work

For the purposes of section 103AJ(3)(d), a programme of work must include the following information in relation to each activity proposed in the programme —

(a) the nature and scale of the activity;

(b) the location of any land on which the activity is proposed to be carried out;

(c) the nature and scale of the environmental management and rehabilitation practices that will be implemented in relation to the activity.

*[Regulation 58L inserted: SL 2025/156 r. 4.]*

## Division 4 — Mining development and closure proposals

*[Heading inserted: SL 2025/156 r. 4.]*

### 58M. Information to be included in mining development and closure proposals

For the purposes of section 103AN(3)(e), a mining development and closure proposal must include the following information —

(a) a list of requirements arising under any written law or any Commonwealth Act that affect or will affect —

(i) the management strategies to be applied to minimise adverse environmental impacts and

mitigate environmental risks of the relevant activities; or

(ii) the closure outcomes; or

(iii) the use or uses to which each location at which relevant activities are to be carried out will be put after the completion of the relevant activities;

(b) details of any consultation that the relevant lodging party has undertaken in relation to any of the following —

(i) the relevant activities;

(ii) the closure outcomes;

(iii) the use to which the location will be put after the completion of the relevant activities;

(c) a description of the environment that will or may be affected by the relevant activities, including —

(i) appropriate measurements of the features of that environment (the ***environmental data***); and

(ii) an analysis and interpretation of the environmental data;

(d) a comprehensive risk assessment, including —

(i) details of all environmental impacts and environmental risks of the relevant activities; and

(ii) an evaluation of the environmental impacts and environmental risks using a risk assessment methodology acceptable to the Executive Director, Resource and Environmental Compliance Division; and

(iii) details of the management strategies to be applied to minimise adverse environmental impacts and mitigate environmental risks; and

(iv) details of the environmental outcomes, objectives and goals to be achieved while the relevant

activities are carried out (the ***environmental outcomes***);

(e) details of the monitoring that will be undertaken while the relevant activities are carried out to establish whether the environmental outcomes are being achieved, including —

(i) details of the monitoring methods and activities that will be employed; and

(ii) information about the timing and frequency of monitoring activities;

(f) details of the monitoring that will be undertaken after the relevant activities have ceased to establish whether the closure outcomes are being achieved;

(g) details of the use or uses to which each location at which relevant activities are carried out will be put after the relevant activities have ceased and the location has been rehabilitated.

*[Regulation 58M inserted: SL 2025/156 r. 4.]*

## Division 5 — Mine closure plans

*[Heading inserted: SL 2025/156 r. 4.]*

### 58N. Information to be included in mine closure plans

For the purposes of section 103AR(d), a mine closure plan must include the following information —

(a) a description of the mining operations carried out or to be carried out on the site of the mining lease or miscellaneous licence;

(b) a map of the site, showing the location or locations at which the mining operations are or are to be carried out;

(c) a list of requirements arising under any written law or any Commonwealth Act that affect or will affect —

(i) the relevant activities; or

(ii) the closure outcomes; or

(iii) the use or uses to which each location at which relevant activities are to be carried out will be put after the completion of the relevant activities;

(d) details of any consultation that the relevant lodging party has undertaken in relation to any of the following —

(i) the relevant activities;

(ii) the closure outcomes;

(iii) the use to which the location will be put after the completion of the relevant activities;

(e) a description of the measures proposed to facilitate consultation while the relevant activities are being carried out;

(f) a description of the environment that will or may be affected by the relevant activities, including —

(i) appropriate measurements of the features of that environment (the ***environmental data***); and

(ii) an analysis and interpretation of the environmental data;

(g) a comprehensive risk assessment, including —

(i) details of risks of not achieving the closure outcomes that arise out of the carrying on of the relevant activities (***closure risks***); and

(ii) an evaluation of the closure risks using a risk assessment methodology acceptable to the Executive Director, Resource and Environmental Compliance Division; and

(iii) details of the management strategies to be applied to minimise the closure risks; and

(iv) a statement of measurable criteria that can be employed in determining whether the closure outcomes have been achieved;

(h) details of the monitoring that will be undertaken while the relevant activities are carried out to establish whether the closure outcomes are being achieved, including —

(i) details of the monitoring methods and activities that will be employed; and

(ii) information about the timing and frequency of monitoring activities;

(i) a closure work programme to be undertaken after other relevant activities have ceased, including —

(i) details of tasks comprised in the relevant activities; and

(ii) a timeframe for the completion of those tasks; and

(iii) plans for the final form of landforms affected by the relevant activities; and

(iv) details of additional or alternative tasks that will be undertaken in the event of premature or temporary closure of a mine on the site; and

(v) an estimate or projection of the cost of implementing the closure work programme and an explanation of the method used to make the estimate or projection;

(m) details of the use or uses to which each location at which relevant activities are to be carried out will be put after the completion of the relevant activities.

*[Regulation 58N inserted: SL 2025/156 r. 4.]*

# Part V — General regulations

## Division 1A — Lodging, filing documents

*[Heading inserted: Gazette 18 Mar 2011 p. 916.]*

### 59A. Prescribed manner of lodging, filing documents

(1) In this regulation —

***document*** includes an application, audit statement, caveat, consent, instrument to which section 103C applies, notice, report, return, programme, proposal, security and statutory declaration.

(2) For the purposes of any provision in the Act that requires a document to be lodged in the prescribed manner, the document is to be lodged at any mining registrar's office.

(3) For the purposes of any provision in the Act that requires a document to be filed in the prescribed manner, the document is to be filed at any mining registrar's office.

(4) Nothing in subregulation (2) or (3) affects the prescribing of any other requirement in relation to the manner of the lodgment or filing of a document.

Note for this subregulation:

The *Mining (Royalties) Regulations 2025* prescribe requirements for documents related to, or connected with, a royalty or additional rent under Part 5A of the Act.

*[Regulation 59A inserted: Gazette 18 Mar 2011 p. 916-17; amended: SL 2025/153 r. 6.]*

### 59B. Lodging mining tenement documents through Department's website

(1) In this regulation —

***mining tenement document*** has the meaning given in section 162(3A).

(1A) This regulation does not apply to a mining tenement document that relates to, or is connected with, a royalty or additional rent under Part 5A of the Act.

(2) Subject to the requirements of the Department's website and this regulation, a person may lodge a mining tenement document electronically by lodging an electronic version of it by means of the Department's website.

(3) A mining tenement document that is lodged electronically after 4.30 p.m. on a working day and before 8.30 a.m. on the next working day is to be taken to have been lodged at 8.30 a.m. on that next working day.

(4) A mining registrar may at any time, require a person who has lodged a mining tenement document electronically to lodge the paper version of the document.

*[Regulation 59B inserted: Gazette 18 Mar 2011 p. 917; amended: SL 2025/153 r. 7.]*

## Division 1 — Marking out mining tenements

### 59. Manner of marking out tenement (Act s. 105)

(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 m above the ground; and

(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 m 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 of Form 20.

(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: Gazette 16 Nov 1990 p. 5728; amended: Gazette 2 Jul 1993 p. 3271; 15 Aug 2003 p. 3693; 15 Jan 2010 p. 106; 1 Feb 2013 p. 453.]*

### 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: Gazette 2 Jul 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 of Form 20 is affixed.

*[Regulation 61 amended: Gazette 2 Oct 1987 p. 3819; 2 Jul 1993 p. 3271; 15 Jan 2010 p. 106.]*

### 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: Gazette 11 Jun 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.

### 63A. Requirement for marking out following grant of reversion licence

(1) If, as a result of a reversion licence application, a mining tenement (the ***reversion licence***) is granted in respect of part of the land the subject of an application for a mining lease (the ***lease application***), the applicant for the mining lease shall, in the manner provided for in regulation 59, mark out the land that remains the subject of the lease application as soon as practicable after the reversion licence is granted.

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

*[Regulation 63A inserted: Gazette 3 Feb 2006 p. 593-4.]*

## Division 2 — Applications

*[Heading amended: Gazette 18 Mar 2011 p. 917.]*

### 64. Application for mining tenement

(1) Application for a mining tenement shall be in the form of Form 21 and lodged within 10 days of marking out.

(1a) For the purposes of section 58(1) an application for an exploration licence, in the form of Form 21, includes —

(a) a completed copy of Attachment 1 to Form 21, identifying the block or blocks to which the application relates by number; and

(b) a completed copy of Attachment 2 to Form 21, clearly delineating the block or blocks to which the application relates,

in accordance with section 58(2).

(1b) The prescribed application fee for a mining tenement is set out in Schedule 2 item 10.

(1C) An application for a mining tenement of particular land must be accompanied by the annual rent set out in whichever of Schedule 2 items 1 to 8 that applies to that kind of mining tenement.

(2) On receipt of the application the mining registrar shall post a copy of the application on the notice board at his office.

(3A) The Director General of Mines must publish a notice of the application on the Department's website.

(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, 58, 70, 74, 85B, 91 and 118 of the Act, and compliance with subregulation (6).

*[(4), (5) deleted]*

(5a) Subregulation (3A) does not apply in relation to an application for a special prospecting licence under section 56A, 70 or 85B.

(5b) Subregulation (3A) does not apply in relation to a reversion licence application if the boundaries of the land to which the application relates are identical to, or located entirely within, the boundaries of the land the subject of the relevant lease application or lease applications referred to in section 120AA(2).

(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, cause a copy of the application to be given to the holder of the miscellaneous licence within 14 days after lodging the application.

(7) In relation to an application for a mining lease, regulation 109(3A) is to be disregarded for the purposes of subregulation (1C).

(8) If, on an application for a mining lease, a mining lease is granted with a restriction of the kind referred to in regulation 109(3A), the applicant is entitled to a refund of rent for the first year of the initial term of the mining lease based on the difference between —

(a) the annual rent that accompanied the application under subregulation (1C); and

(b) the annual rent set out in Schedule 2 item 9 paragraph (a) as at the time the initial term commences.

(9) Subregulation (8) applies to a mining lease that is granted on an application made before the coming into operation of the *Mining Amendment Regulations (No. 3) 2019* regulation 3 if the initial term of the mining lease commences on or after the coming into operation of that regulation.

*[Regulation 64 amended: Gazette 2 Oct 1987 p. 3819; 31 May 1991 p. 2698-9; 31 Jul 1992 p. 3776; 2 Jul 1993 p. 3271; 24 Jun 1994 p. 2931; 13 Oct 1995 p. 4818; 4 Apr 1997 p. 1778; 2 Feb 2001 p. 712-13; 3 Feb 2006 p. 520 and 594; 15 Jan 2010 p. 106-8 and 136; 18 Mar 2011 p. 917; 24 Jun 2011 p. 2511; 9 Nov 2012 p. 5400-1; 1 Feb 2013 p. 454; 18 Sep 2018 p. 3517; 24 May 2019 p. 1493-4; 18 Jun 2019 p. 2048.]*

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

(1) 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 of Form 21; and

(b) served by the applicant within 14 days of the lodging of the application to which the notice relates.

(2) For the purposes of section 74(3), a notice in the form of Form 21 shall be served on the chief executive officer of the

local government within 14 days of the lodging of the application to which the notice relates unless notice of the application is given to that chief executive officer under section 33(1).

*[Regulation 64A inserted: Gazette 13 Oct 1995 p. 4818; amended: Gazette 15 Jan 2010 p. 108-9; 1 Feb 2013 p. 454.]*

### 64B. Notice of application for mining tenement to pastoral, grazing or diversification lessee (Act s. 118)

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

*[Regulation 64B inserted: Gazette 24 Jun 1994 p. 2931; amended: SL 2023/127 r. 5.]*

### 64C. Copy of application for miscellaneous licence (Act s. 91(9))

For the purposes of section 91(9), the prescribed time is 14 days after the lodging of the application concerned.

*[Regulation 64C inserted: Gazette 17 Jan 2003 p. 106.]*

### 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; or

(b) a prominent ground feature shown on the public plans of the Department; or

(c) latitude and longitude; or

(d) Map Grid of Australia 2020 coordinates.

*[Regulation 66 inserted: Gazette 2 Jul 1993 p. 3271; amended: Gazette 15 Dec 2000 p. 7219; SL 2025/172 r. 4.]*

***[66A.*** *Deleted: Gazette 4 Apr 1997 p. 1778.]*

***[67.*** *Deleted: Gazette 9 Mar 2007 p. 870.]*

***[67A.*** *Deleted: Gazette 4 Apr 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 or any other officer of the Department.

*[Regulation 68 amended: Gazette 3 Feb 2006 p. 594.]*

**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 a withdrawal in the form of Form 22, 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.

*[Regulation 69 amended: Gazette 3 Feb 2006 p. 520; 15 Jan 2010 p. 109.]*

***[69A.*** *Deleted: Gazette 24 Jun 2011 p. 2511.]*

### 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: Gazette 2 Oct 1987 p. 3819.]*

### 70A. Amalgamation of secondary tenement (Act s. 67A)

(1) In this regulation —

***application*** means an application to amalgamate a secondary tenement under section 67A.

(1A) An application must be lodged together with a map of the secondary tenement.

(2) Where private land is affected by an application the provisions of section 29 shall apply.

(3) If the application is under section 67A(1) and 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.

(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: Gazette 2 Oct 1987 p. 3819-20; amended: Gazette 24 Jun 1994 p. 2932; 13 Oct 1995 p. 4818-19; 18 Mar 2011 p. 917; 1 Feb 2013 p. 454; 13 Dec 2019 p. 4236.]*

### 70BA. Prescribed period for lodging certain applications for areas compulsorily surrendered (Act s. 105A(3))

(1) In this regulation —

***application*** means an application for a prospecting licence, exploration licence, mining lease or general purpose lease —

(a) in respect of any land that is the subject of a surrender under section 65; and

(b) that is lodged on the date chosen under regulation 23(1)(c) for the release.

(2) For the purposes of section 105A(3), the prescribed period for an application is the period starting at the time chosen under regulation 23(1)(c) for the release and ending 15 minutes later.

*[Regulation 70BA inserted: Gazette 18 Mar 2011 p. 918.]*

### 70BB. Prescribed period for lodging certain applications or marking out land after forfeiture of exploration licence, mining lease or general purpose lease (Act s. 105A(3))

(1) In this regulation —

***application*** means an application for a prospecting licence, exploration licence, mining lease or general purpose lease —

(a) in respect of any land that was the subject of an exploration licence forfeited under section 96A or a mining lease or general purpose lease forfeited under section 97; and

(b) that is lodged, or in respect of which the land concerned is marked out as required under section 105A(4), (as is applicable in the case) on the day on which the forfeiture takes effect.

(2) For the purposes of section 105A(3), the prescribed period for an application is the period starting when the forfeiture takes effect and ending 15 minutes later.

*[Regulation 70BB inserted: Gazette 18 Mar 2011 p. 918.]*

### 70BC. Prescribed period for lodging certain applications after expiry of mining tenement (Act s. 105A(3))

(1) In this regulation —

***application*** means an application for an exploration licence, or an application for a prospecting licence, mining lease or general purpose lease where the land concerned is wholly covered by the sea or the waters of any lake, pond, river or stream —

(a) in respect of any land that was the subject of a mining tenement that has expired; and

(b) that is lodged after the expiry takes effect.

(2) For the purposes of section 105A(3), the prescribed period for an application is the period starting at the beginning of the next working day after the day on which the expiry took effect and ending at 8.45 a.m. on that next working day.

*[Regulation 70BC inserted: Gazette 18 Mar 2011 p. 918-19.]*

### 70BD. Prescribed period for lodging other applications for exploration licences (Act s. 105A(3))

(1) In this regulation —

***application*** means an application for an exploration licence that is not one to which regulation 70BA, 70BB or 70BC applies.

(2) For the purposes of section 105A(3), the prescribed period for an application is the period starting at 4.30 p.m. on a working day and ending at 8.45 a.m. on the next working day.

*[Regulation 70BD inserted: Gazette 18 Mar 2011 p. 919.]*

### 70B. Agreement as to priority (Act s. 105A(3))

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: 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: Gazette 31 May 1991 p. 2699; amended: Gazette 24 Jun 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: Gazette 24 Jun 1994 p. 2932.]*

### 70E. Partial refund of application fee in certain circumstances

An applicant for a mining tenement is entitled to a refund of $110 of the application fee paid by the applicant if —

(a) the application is withdrawn or refused before any public notification required under Part 2 Division 3 of the *Native Title Act 1993* of the Commonwealth in connection with the application occurs; or

(b) the Director General of Mines is satisfied that there is no requirement for such public notification in connection with the application.

*[Regulation 70E inserted: Gazette 15 Aug 2003 p. 3694.]*

## 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: Gazette 16 Nov 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

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: Gazette 16 Nov 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: Gazette 16 Nov 1990 p. 5729.]*

### 74. False documents or notices not to be posted up

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: Gazette 2 Oct 1987 p. 3820.]*

### 74A. Means of fossicking

(1) The holder 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: Gazette 20 Oct 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 of Form 23 with the prescribed fee, but —

(a) every transfer shall be accompanied by a security similar to that required under section 26, 52(1), 60(1), 70F(1) or 84A(1) in respect of the lease or licence; and

(b) when 2 or more tenements, the property of the same holder, are to be transferred, a separate transfer shall be executed for each; and

(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; and

(d) when all holders desire to simultaneously transfer the whole tenement, one transfer, executed by all the holders shall be sufficient; and

(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; and

(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: Gazette 31 May 1991 p. 2699; 24 Jun 1994 p. 2933; 15 Jan 2010 p. 109-10; 13 Dec 2019 p. 4236.]*

### 76. Lodgment of caveats (Act s. 122A)

(1) For the purposes of section 122A a caveat shall be —

(a) in the form of Form 24; and

(b) accompanied by the prescribed fee.

(2) A separate caveat shall be lodged in respect of each mining tenement affected.

*[Regulation 76 inserted: Gazette 3 Feb 2006 p. 520; amended: Gazette 15 Jan 2010 p. 110.]*

### 76A. Withdrawal of caveats

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

*[Regulation 76A inserted: Gazette 31 Jul 1992 p. 3776; amended: Gazette 15 Jan 2010 p. 110.]*

### 76B. Notification of registration of surrender (Act s. 122(2))

For the purposes of section 122(2), notification of the registration of a surrender under section 26A or 65 shall be sent by registered post to the caveator.

*[Regulation 76B inserted: Gazette 24 Jun 1994 p. 2933; amended: Gazette 3 Feb 2006 p. 520-1.]*

### 77. Mortgage

A mortgage shall be —

(a) lodged in the form of Form 25; and

(b) accompanied by the prescribed fee.

*[Regulation 77 inserted: Gazette 3 Feb 2006 p. 521; amended: Gazette 15 Jan 2010 p. 110.]*

*[**78.** Deleted: Gazette 3 Feb 2006 p. 521.]*

**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 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 together with such balance for payment to any other mortgagees according to their respective priorities, and to the mortgagor.

*[Regulation 79 amended: Gazette 18 Mar 2011 p. 925.]*

**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 of Form 23 and the transfer requirements of this Division shall be complied with.

*[Regulation 81 amended: Gazette 15 Jan 2010 p. 110.]*

### 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 the form of Form 26 or Form 26A, as applicable.

*[Regulation 83 amended: Gazette 31 Jul 1992 p. 3776; 15 Jan 2010 p. 111; 13 Dec 2019 p. 4236; SL 2026/124 r. 5.]*

### 84. Transfer of mortgage

A mortgage may be transferred and the transfer shall be lodged with the prescribed fee.

*[Regulation 84 amended: Gazette 13 Dec 2019 p. 4236.]*

## Division 4AA — Memorials for unpaid tax

*[Heading inserted: Gazette 15 Jan 2010 p. 111.]*

### 84AA. Tax memorial

A tax memorial (as defined in section 103A) is to be in the form of Form 26B.

*[Regulation 84AA inserted: Gazette 15 Jan 2010 p. 111.]*

### 84AB. Withdrawal of memorial

A withdrawal of memorial (as defined in section 103A) is to be in the form of Form 26C.

*[Regulation 84AB inserted: Gazette 15 Jan 2010 p. 111.]*

## Division 4A — Lodgment of instruments and the register

*[Heading inserted: Gazette 3 Feb 2006 p. 521.]*

### 84A. Terms used

(1) In this Division —

***authorised agent***, of a person, means a person or firm who or that is authorised by the person for the purposes of the service of documents on the person;

***service address***, of a person —

(a) means —

(i) the residential address of the person; or

(ii) the address of the principal place of business in the State of a business of the person; or

(iii) the address of an authorised agent of the person which, where relevant, is the address of the principal place of business in the State of the agent;

but

(b) does not include an address that is not a street address.

(2) Without limiting the meaning of references to the business of an individual, such references include a business that the individual carries on together with others.

*[Regulation 84A inserted: SL 2025/183 r. 7.]*

### 84B. Provisional lodgment

(1) In this regulation —

***allowed period*** means —

(a) the period referred to in subregulation (4); or

(b) if an extension of that period is granted under subregulation (8), the extended period.

(2) This regulation applies to the following instruments —

(a) an instrument accepted for provisional lodgment under section 103D(1); and

(b) a caveat accepted for provisional lodgment under section 122B(1).

(3) The time and date of lodgment of the instrument 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.

(4) 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 corrected within the period specified in the notice.

(5) Where a direction is given under subregulation (4) in relation to an instrument —

(a) if the direction is complied with within the allowed period, the word "provisional" shall be deleted from the register; or

(b) if the direction is not complied with within the allowed period, the instrument shall be taken to have been rejected and the register shall be so endorsed.

(6) 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 lodgment of an instrument, the instrument shall be taken not to have been registered.

(7) If the word "provisional" is deleted from the register under subregulation (5)(a), the instrument shall be taken to have been registered from and including the time and date specified in the register under subregulation (3).

(8) An authorised officer —

(a) may, for reasonable cause, extend the period specified in the notice 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 expiry of that period; and

(b) shall, by notice in writing to the person who requested the extension, advise whether an extension has been granted.

*[Regulation 84B inserted: Gazette 3 Feb 2006 p. 521-2.]*

### 84C. Content of register

The register is to contain the following particulars —

(a) in relation to an application for a mining tenement —

(i) the particulars shown on the prescribed form of application; and

(iaa) the service address of the applicant; and

(iab) the particulars of the designated tenement contact for the application; and

(ia) objections under Part IV of the Act; and

(ib) any devolution under regulation 102; and

(ic) any application to amend particulars in the register under regulation 84E; and

(id) any agreement or determination under section 105A(3) as to the priority of the application; and

(ii) the approval of the application and the terms and conditions of that approval, or the refusal or

withdrawal of the application, as the case may be;

(b) in relation to a mining tenement —

(i) all rental payments; and

(ii) moneys expended or deemed to be expended in mining on or in connection with mining on the tenement; and

(iii) particulars of exemptions; and

(iv) particulars of dealings and other instruments affecting the tenement that are required to be entered in the register under the Act; and

(v) the name of the holder and the number of shares held; and

(va) the service address of the holder; and

(vb) the particulars of the designated tenement contact for the mining tenement; and

(vi) the surrender, forfeiture or other cancellation of the tenement; and

(vii) objections under regulation 120A; and

(viii) applications relating to the tenement and the outcome of those applications; and

(ix) particulars of penalties imposed on the holder in lieu of forfeiture; and

(x) any additional conditions imposed in relation to the tenement after it is granted; and

(xi) particulars of securities referred to in section 26, 52(1a), 60(1a), 70F(2) or 84A(2) relating to the tenement; and

(xii) any devolution under regulation 102; and

(xiii) any application to amend particulars in the register under regulation 84E; and

(xiv) particulars received under section 143 of an injunction granted with respect to the tenement.

*[Regulation 84C inserted: Gazette 3 Feb 2006 p. 522-3; amended: Gazette 9 Nov 2012 p. 5401; 13 Dec 2019 p. 4236-7; SL 2025/183 r. 8.]*

### 84D. Fees for copies of entries, dealings etc. (Act s. 103F(4))

For the purposes of section 103F(4) the fees set out in Schedule 2 item 13 are prescribed.

*[Regulation 84D inserted: Gazette 3 Feb 2006 p. 523; amended: Gazette 15 Jan 2010 p. 136; 24 Jun 2011 p. 2511; 18 Jun 2019 p. 2048.]*

### 84E. Amendment of register

An application to amend particulars in the register must be —

(a) lodged in the form of Form 30; and

(b) accompanied by a statutory declaration made by the applicant or a person authorised by the applicant stating the reasons for the requested amendment.

*[Regulation 84E inserted: Gazette 9 Nov 2012 p. 5401.]*

### 84F. Inclusion of information in register despite late lodgment of report

(1) In this regulation —

***prescribed period***, in relation to a report, means the period within which the report is required to be filed or lodged under regulation 16, 22, 23E or 32, as the case requires.

(2) An officer of the Department may extract information from a report referred to in regulation 16, 22, 23E or 32 for the purpose of including it in the register despite the fact that the report was received at the Department after the expiry of the prescribed period.

*[Regulation 84F inserted: Gazette 3 Feb 2006 p. 523.]*

### 84G. Applicant for or holder of tenement to provide service address

(1) In this regulation —

***relevant form*** means —

(a) an application form lodged for a mining tenement in accordance with regulation 64(1); or

(b) a form lodged in relation to a devolution in accordance with regulation 102; or

(c) a form lodged in relation to a transfer under Division 4.

(2) Subregulation (3) applies to an applicant for, or the holder of, a mining tenement, if the registered service address of the applicant or holder is not up-to-date because of a change to, or to the particulars of, the service address of the applicant or holder.

(3) The applicant or holder commits an offence if the applicant or holder fails, within 28 days of the change to, or to the particulars of, the service address, to lodge updated particulars of the service address in the form of Form 30 or a relevant form.

Note for this regulation:

1. Certain applicants for, or holders of, mining tenements need not comply with regulation 84G(3) during the transition period (as defined in regulation 175): see regulation 178.
2. Regulation 179 applies to certain applicants for, or holders of, mining tenements who do not have a registered service address before commencement day (as defined in regulation 175).

*[Regulation 84G inserted: SL 2025/183 r. 9.]*

### 84H. Copies of entries, dealings and other instruments: address details

(1) In this regulation —

***address details***, of an individual, means —

(a) the residential address of the individual; and

(b) a business address of a business of the individual.

(2) An individual whose address details are included on the register may apply to the Director General of Mines to request that some or all of their address details are to be treated as confidential.

(3) The Director General of Mines may approve the request under subregulation (2) if satisfied that it is necessary to do so because the health, safety or wellbeing of the individual, or a family member of the individual, would be substantially affected by the information being made available in a copy of an entry or of a dealing or other instrument recorded in the register.

(4) If the address details of an individual are to be treated as confidential to an extent under this regulation, a copy of an entry or of a dealing or other instrument recorded in the register cannot include the address details of the individual to that extent.

(5) Without limiting the meaning of references to the business of an individual, such references include a business that the individual carries on together with others.

*[Regulation 84H inserted: SL 2025/183 r. 9.]*

*[Div. 5 (r. 85-89) deleted: SL 2025/153 r. 8.]*

## Division 5A — Prescribed Australian datum

*[Heading inserted: Gazette 15 Dec 2000 p. 7219.]*

### 89A. Geocentric Datum of Australia 1994 previously prescribed (Act s. 9B)

(1) This regulation has effect subject to the transitional provisions set out in Schedule 3.

(2) The Geocentric Datum of Australia 1994 (the ***GDA***) is prescribed for the purposes referred to in section 9B.

(3) The reference ellipsoid for the GDA is the Geodetic Reference System 1980 (***GRS80***) ellipsoid with a semi-major axis of 6 378 137 m exactly and an inverse flattening (l/f) of 298.257 222 101.

(4) The reference frame for the GDA is realised by the coordinates of the following Australian Fiducial Network geodetic stations referred to the GRS80 ellipsoid determined within the International Earth Rotation Service Terrestrial Reference Frame 1992 (ITRF92) at the epoch of 1994.0 —

| No. | Name | South latitude | East longitude | Ellipsoidal height |
|---|---|---|---|---|
| AU 012 | Alice Springs | 23° 40′ 12.44592″ | 133° 53′ 07.84757″ | 603.358 m |
| AU 013 | Karratha | 20° 58′ 53.17004″ | 117° 05′ 49.87255″ | 109.246 m |
| AU 014 | Darwin | 12° 50′ 37.35839″ | 131° 07′ 57.84838″ | 125.197 m |
| AU 015 | Townsville | 19° 20′ 50.42839″ | 146° 46′ 30.79057″ | 587.077 m |
| AU 016 | Hobart | 42° 48′ 16.98506″ | 147° 26′ 19.43548″ | 41.126 m |
| AU 017 | Tidbinbilla | 35° 23′ 57.15627″ | 148° 58′ 47.98425″ | 665.440 m |
| AU 019 | Ceduna | 31° 52′ 00.01664″ | 133° 48′ 35.37527″ | 144.802 m |
| AU 029 | Yarragadee | 29° 02′ 47.61687″ | 115° 20′ 49.10049″ | 241.291 m |

(5) This regulation does not have effect on or after the day on which the *Mines and Petroleum Regulations Amendment (Geocentric Datum) Regulations 2025* regulations 5(2) and 6 come into operation.

*[Regulation 89A inserted: Gazette 15 Dec 2000 p. 7219-20; amended: Gazette 15 Jan 2010 p. 112; SL 2020/117 r. 5; SL 2025/172 r. 5.]*

### 89AAA. Geocentric Datum of Australia 2020 currently prescribed (Act s. 9B)

(1) In this regulation —

***Geocentric Datum of Australia- 2020*** means the Reference Frame as defined in the *National Measurement (Recognized-Value Standard of Measurement of Position) Determination ~~2017~~2026* (Cth) clause ~~4~~5.

(2) The Geocentric Datum of Australia 2020 is prescribed for the purposes referred to in section 9B(1).

*[Regulation 89AAA inserted: SL 2025/172 r. ~~6~~6; amended: SL 2026/231 r. 4.]*

## Division 5B — Designated tenement contacts

*[Heading inserted: SL 2025/183 r. 10.]*

### 89AA. Designated tenement contacts (DTCs)

(1) The designated tenement contact for an application for a mining tenement is, for each applicant, the person who is determined, from time to time, under regulation 89AC to be the applicant's designated tenement contact for the application.

(2) The designated tenement contact for a mining tenement is, for each holder of the tenement, the person who is determined, from time to time, under regulation 89AD to be the holder's designated tenement contact for the tenement.

*[Regulation 89AA inserted: SL 2025/183 r. 10.]*

### 89AB. Prescribed provisions for DTCs (Act s. 17)

(1) For the purposes of section 17, the following provisions of the Act are prescribed —

(a) section 8A(3);

(b) section 26A(1);

(c) section 41(3) (including as applied by section 92);

(d) section 51A;
(e) section 55A(4);
(f) section 55B;
(g) section 58(3);
(h) section 65(4);
(i) section 68(1) and (2);
(j) section 69D(4);
(k) section 69E;
(l) section 70C(3);
(m) section 70IA(2) and (3A);
(n) section 70M;
(o) section 74(2) (including as applied by section 90(2));
(p) section 74A(2);
(q) section 79(1);
(r) section 82(3);
(s) section 90(2);
(t) section 92;
(u) section 95A(2);
(v) section 96A(6);
(w) section 97(6);
(x) section 103AU(4);
(y) section 115A(2)(b);
(z) section 115B(2);
(za) section 122A(4)(b).

(2) For the purposes of section 17, the following provisions of these regulations are prescribed —
(a) regulation 4G;
(b) regulation 49(2)(a);

(c) regulation 50(a);

(d) regulation 84B(4) and (8)(b);

(e) regulation 118(3);

(f) regulation 118A(1);

(g) regulation 118C(2);

(h) regulation 120A(3).

(3) For the purposes of section 17, the *Mining (Royalties) Regulations 2025* regulation 19(4)(b) is prescribed.

*[Regulation 89AB inserted: SL 2025/183 r. 10.]*

### 89AC. Requirement for applicant for tenement to have DTC

(1) In this regulation —

***deemed applicant***, in relation to an application for a mining tenement, means a person who is, under section 49(3), 56B(4), 67(3), 70C(7) or 70L(3), taken to be an applicant for the tenement because they are the transferee of —

(a) another mining tenement; or

(b) an interest in another mining tenement;

***relevant form***, in relation to the application of an applicant who is not a deemed applicant, means —

(a) the application form lodged by the applicant in accordance with regulation 64(1); or

(b) if the application devolved on the applicant as described in regulation 102 — the form lodged in relation to the devolution.

(2) For the purposes of regulation 89AA(1), an applicant's designated tenement contact for the application is, subject to subregulation (3) —

(a) if the applicant is not a deemed applicant in relation to the application — the person (if any) named in the

relevant form as the applicant's designated tenement contact; or

(b) if the applicant is a deemed applicant in relation to the application — the person who, under regulation 89AA(2), is the applicant's designated tenement contact for the transferred tenement or interest.

(3) If an applicant for a mining tenement nominates a person as the designated tenement contact for the application in the form of Form 30, the applicant's designated tenement contact for the application is the person nominated or the person most recently so nominated.

(4) An applicant for a mining tenement commits an offence if the applicant fails to ensure that there is, under this regulation, a person who is the applicant's designated tenement contact for the application.

(5) An applicant —

(a) may, at any 1 time, have only 1 person as their designated tenement contact for the application; and

(b) may themselves be their designated tenement contact.

(6) An applicant for a mining tenement commits an offence if the applicant —

(a) fails to ensure that the Department is given the particulars of the applicant's designated tenement contact; or

(b) fails to ensure that the particulars held by the Department are kept up-to-date.

*[Regulation 89AC inserted: SL 2025/183 r. 10.]*

### 89AD. Requirement for holder of tenement to have DTC

(1) For the purposes of regulation 89AA(2), a holder's designated tenement contact for the mining tenement is, subject to subregulations (2) and (6) —

(a) if the tenement or an interest in the tenement was transferred to the holder under Division 4 — the person (if any) named in the transfer form as the transferee's designated tenement contact; or

(b) if the tenement or an interest in the tenement devolved on the holder as described in regulation 102 — the person (if any) named as the devolvee's designated tenement contact in the form lodged in relation to the devolution; or

(c) if the holder became a holder of the tenement on the granting of their application for the mining tenement — the person (if any) who, under regulation 89AA(1), was the holder's designated tenement contact for the application.

(2) If a holder of a mining tenement nominates a person as the designated tenement contact for the tenement in the form of Form 30, the holder's designated tenement contact for the tenement is the person nominated or the person most recently so nominated.

(3) A holder of a mining tenement commits an offence if the holder fails to ensure that there is, under this regulation, a person who is the holder's designated tenement contact for the tenement.

(4) A holder —

(a) may, at any 1 time, have only 1 person as their designated tenement contact for the mining tenement; and

(b) may themselves be their designated tenement contact.

(5) A holder of a mining tenement commits an offence if the holder —

(a) fails to ensure that the Department is given the particulars of the holder's designated tenement contact; or

(b) fails to ensure that the particulars held by the Department are kept up-to-date.

(6) If a transferee or devolvee in relation to a mining tenement nominates, before becoming a holder of the tenement, a person as the designated tenement contact for the tenement in the form of Form 30, the transferee's or devolvee's designated tenement contact for the tenement is, on becoming a holder of the tenement, the person nominated or the person most recently so nominated.

(7) A transferee or devolvee in relation to a mining tenement may, before becoming a holder of the tenement, give the Department new particulars of their designated tenement contact in the form of Form 30.

*[Regulation 89AD inserted: SL 2025/183 r. 10.]*

### 89AE. Emailing information, notice or documents to DTCs

(1) This regulation applies in relation to information, notice or a document permitted to be given to a designated tenement contact for the purposes of a prescribed provision.

(2) The information, notice or document may be given by sending it in electronic form to the email address of the designated tenement contact.

(3) In the absence of proof to the contrary, information, notice or a document given in accordance with subregulation (2) is taken to have been given to the designated tenement contact —

(a) if the email is sent before 4 pm on a working day — on that day; or

(b) otherwise — on the next working day after the day on which the email is sent.

(4) In subregulation (3) —

***working day*** means a day other than a Saturday, a Sunday or a public holiday throughout the State.

(5) This regulation has effect despite any inconsistent requirement in these regulations.

*[Regulation 89AE inserted: SL 2025/183 r. 10.]*

## Division 6 — Miscellaneous

### 89B. Prescribed office (Act s. 8(1))

For the purposes of the definition of ***mining registrar*** in section 8(1) the office of Manager Mining Information Counter, Resource Tenure Division of the Department is prescribed.

*[Regulation 89B inserted: Gazette 17 Jan 2003 p. 106; amended: Gazette 3 Feb 2006 p. 594; 18 Mar 2011 p. 919; 22 Dec 2017 p. 5991.]*

### 89C. Identified mineral resource (Act s. 8(1))

(1) In this regulation —

***JORC Code*** means the *Australasian Code for Reporting of Exploration Results, Mineral Resources and Ore Reserves* published by the Joint Ore Reserves Committee of the Australasian Institute of Mining and Metallurgy, the Australian Institute of Geoscientists and the Minerals Council of Australia in 2012.

(2) For the purposes of the definition of ***identified mineral resource*** in section 8(1), a deposit of minerals has to be identified as coming within one of the following categories provided for in clauses 21, 22 and 23 of the JORC Code —

(a) Inferred Mineral Resource;

(b) Indicated Mineral Resource;

(c) Measured Mineral Resource.

*[Regulation 89C inserted: Gazette 3 Feb 2006 p. 595; amended: SL 2025/183 r. 11.]*

**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.

*[**90A.** Deleted: Gazette 18 Mar 2011 p. 919.]*

**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 lodged 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: Gazette 12 Nov 1982 p. 4490; 13 Oct 1995 p. 4819; 18 Mar 2011 p. 919.]*

**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: Gazette 31 May 1991 p. 2699.]*

*[**93.** Deleted: Gazette 2 Feb 2001 p. 713.]*

*[**94, 94A.** Deleted: Gazette 24 Jun 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 may be lodged at any mining registrar's office but must be assigned to the mining registrar 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: Gazette 2 Oct 1987 p. 3837; 18 Mar 2011 p. 919.]*

### 95A. Mining statistics

(1) The Director General of Mines may cause mining statistics to be compiled from mining information as defined in regulation 96(1).

(2) Mining statistics are to be compiled in such a way that, so far as is practicable, information in respect of a particular person or mining operation cannot be ascertained.

(3) The Director General of Mines may cause mining statistics to be published in any manner that the Director General of Mines considers appropriate.

*[Regulation 95A inserted: Gazette 3 Feb 2006 p. 597.]*

## 96. Release of mining information

(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;

***mining information*** means —

(a) information contained in —

(i) a mineral exploration report; or

(ii) an operations report; or

(iii) a report required under regulation 36(d) or 41(d); or

(iv) a production report,

irrespective of when the report was filed, furnished or otherwise given; and

(b) any other information relating to mining supplied to the Minister, a warden or an official of the Department under the Act irrespective of when the information was supplied,

but does not include —

(c) information of the kind described in paragraph (a) or (b) if it is in the form of mining statistics compiled under regulation 95A; or

(d) information of the kind described in paragraph (b) if it is environment information as described in regulation 96CA(2);

***operations report*** has the same meaning as in section 115A(1);

***production report*** has the meaning given in the *Mining (Royalties) Regulations 2025* regulation 3;

***release*** means publish, print, reproduce or otherwise make available to the public.

(2) The Minister may only release mining information —

(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; or

(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; or

(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 of Form 5, 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 mining information that has been held at the Department for a period of 5 years or more.

(4a) Subregulation (4) does not apply to mining information that consists of information as to sales value contained in a production report.

(5) The Minister may, upon the written application of the holder of a mining tenement the subject of mining information to which subregulation (4) applies or of a mining tenement granted in renewal of or substitution for such a mining tenement, refuse to

release the information 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 mining information 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: Gazette 13 Oct 1995 p. 4819-20; amended: Gazette 11 Jun 1999 p. 2544; 3 Feb 2006 p. 597-9; 15 Jan 2010 p. 112; 7 Dec 2012 p. 5995; SL 2025/153 r. 9.]*

### 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; and

(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

(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: Gazette 13 Oct 1995 p. 4820; amended: Gazette 15 Dec 1995 p. 6115.]*

**96B. Guidelines, publication of (Act s. 115A)**

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: Gazette 13 Oct 1995 p. 4820.]*

### 96CA. Release of certain information compiled from environment reports

(1) In this regulation —

***environment information*** has the meaning given in subregulation (2);

***environment report*** means a report described as an annual environment report that is lodged in compliance with a condition imposed in relation to a prescribed tenement;

***mining lease*** does not include a mining lease granted, or held, pursuant to a Government agreement as defined in the *Government Agreements Act 1979* section 2;

***prescribed tenement*** means —

(a) a mining lease; or

(b) a general purpose lease; or

(c) a miscellaneous licence;

***release*** has the meaning given in regulation 96(1);

***relevant period***, in relation to an environment report, means the period to which the report relates.

(2) For the purposes of this regulation, environment information is information in one or more of the following categories that is compiled from information contained in an environment report in respect of a prescribed tenement —

(a) information summarising the mining operations and rehabilitation activities carried out on the prescribed tenement during the relevant period;

(b) information indicating the level of compliance, during the relevant period, with conditions imposed on the holder of the prescribed tenement under —

(i) in the case of a mining lease, section 84; or

(ii) in the case of a general purpose lease, section 84 (as applied by section 90(4)); or

(iii) in the case of a miscellaneous licence, section 46A (as applied by section 92);

(c) information indicating the number of hectares disturbed by mining operations on the prescribed tenement (whether or not during the relevant period) and the types of disturbance;

(d) information indicating the number of hectares proposed to be disturbed by mining operations on the prescribed tenement in the period of 12 months immediately after the relevant period and the types of proposed disturbance;

(e) information indicating the areas of the prescribed tenement where rehabilitation activities have been completed (whether or not during the relevant period) and of the progress of rehabilitation activities on other areas of the prescribed tenement during the relevant period.

(3) The Director General of Mines may release environment information in the form and in the manner that the Director General of Mines considers appropriate.

*[Regulation 96CA inserted: Gazette 7 Dec 2012 p. 5995-6.]*

*[**96CB.** Deleted: SL 2025/153 r. 10.]*

**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.

(1a) The cost of an Aboriginal heritage survey conducted on land while the land was the subject of an application for a mining tenement may be used in the calculation of expenditure expended on, or in connection with, mining on that mining tenement during the first year of its term.

(2) The cost of any rehabilitation activities carried out on land disturbed by mining operations on a mining tenement may be used in the calculation of expenditure expended on, or in connection with, mining on the mining tenement.

(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.

(3a) The cost of cutting and polishing minerals for use as samples may be used in the calculation of expenditure expended on, or in connection with, mining on the mining tenement.

(3b) The cost of an aerial survey may be used in the calculation of expenditure expended on, or in connection with, mining on any mining tenement that is located wholly or partly within the boundaries of the survey when those boundaries are projected onto the surface of the Earth.

(3c) The reference in subregulation (3b) to an aerial survey includes an aerial survey conducted in respect of land while the land was the subject of an application for the mining tenement concerned.

(3d) Where the cost of an aerial survey is used in the calculation of expenditure for more than one mining tenement, the cost is to be apportioned between the mining tenements in such a way that the total expenditure claimed does not exceed the cost.

(3e) For the purposes of subregulations (3b) and (3d) the cost of an aerial survey comprises —

(a) the cost of acquiring data, in the air and on the ground, during the period in which the aerial survey is conducted; and

(b) the cost of processing that data to produce fully corrected, point-located digital data stored on an appropriate computer-compatible medium.

(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: Gazette 11 Jun 1999 p. 2545; amended: Gazette 21 Jan 2000 p. 344; 15 Aug 2003 p. 3694; 3 Feb 2006 p. 599-600; 15 Jan 2010 p. 112; 9 Nov 2012 p. 5402.]*

### 96D. Drill cores

(1) The holder of a mining tenement must not destroy or dispose of a drill core obtained from the mining tenement unless the holder has given the Minister written notice of his or her intention to do so not less than 3 months before the destruction or disposal.

(2) If the holder of a mining tenement has received a request to furnish drill cores under section 51A, 68(2), 70H(1)(g) or 82(1)(ea), the holder must ensure that the drill cores are stored in a way that protects them from damage and deterioration until such time as the holder complies with the request.

(3) Drill cores furnished in response to a request referred to in subregulation (2) may be made available for public inspection and sampling at the times, and in the manner, determined by the Director, Geological Survey.

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

*[Regulation 96D inserted: Gazette 3 Feb 2006 p. 600.]*

**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 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. Manner of camping (Act s. 40D(1)(f))

For the purposes of section 40D(1)(f) the holder of a miner's right may camp on Crown land in —

(a) a vehicle or caravan; or

(b) a tent or other temporary structure; or

(c) the open air.

*[Regulation 101 inserted: Gazette 3 Feb 2006 p. 601; amended: Gazette 1 Feb 2013 p. 454.]*

### 101A. Notice before mining under certain Crown land or private land

(1) In this regulation —

***relevant depth*** means 30 m below the lowest part of the natural surface of the land concerned.

(2) At least 14 days before carrying out mining at or below the relevant depth under Crown land described in any of section 20(5)(a) to (e), the holder of a mining tenement must give written notice in accordance with subregulation (4) to the occupier of the Crown land unless that occupier has already given written consent for mining above the relevant depth.

(3) At least 14 days before carrying out mining at or below the relevant depth under private land described in any of section 29(2)(a) to (f), the holder of a mining tenement must give written notice in accordance with subregulation (4) to the owner and the occupier of the private land unless the mining tenement includes that portion of the private land that is above the relevant depth.

(4) The notice is to contain details of —

(a) the extent and type of mining proposed; and

(b) when the holder of the mining tenement intends to begin that mining.

(5) A holder of a mining tenement who contravenes subregulation (2) or (3) commits an offence.

*[Regulation 101A inserted: Gazette 17 Jan 2003 p. 106-7.]*

**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 of Form 28 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.

*[Regulation 102 amended: Gazette 15 Jan 2010 p. 113.]*

*[**103.** Deleted: Gazette 3 Feb 2006 p. 524.]*

*[**104.** Deleted: Gazette 1 Feb 2013 p. 454.]*

**105. Application for copy document**

(1) The holder of a mining tenement may apply to the Department for a copy of the instrument of lease or licence issued in respect of the mining tenement.

(2) In the case of any other document issued by the Department, a person may apply to the Department for a copy of the document if —

(a) the document was issued to the person; or

(b) the document was issued in respect of a mining tenement and the person is the holder of the mining tenement.

(3) If an application for the issue of a copy of a document is made under this regulation in the form of Form 29 and is accompanied by the prescribed fee, a certified copy of the document is to be issued.

(4) Subregulation (2) does not apply to a document issued in relation to, or in connection with, a royalty or additional rent under Part 5A of the Act.

*[Regulation 105 inserted: Gazette 13 Dec 2019 p. 4237-8; amended: SL 2025/153 r. 11.]*

*[**106-107AA.** Deleted: Gazette 3 Feb 2006 p. 524.]*

### 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 of Form 31 with the prescribed fee.

*[Regulation 108 amended: Gazette 15 Jan 2010 p. 113.]*

### 109. Fees and rents

(1) Subject to subregulation (2), fees payable under the Act are prescribed in Schedule 2.

(2) The bailiff fees set out in the *Magistrates Court (Fees) Regulations 2005* are, so far as they are applicable, prescribed as the bailiff fees payable in relation to proceedings under the Act except Part IV.

(3) For the purposes of the Act, the prescribed rent for a mining tenement for a year is the rent for a mining tenement of that kind set out in Schedule 2 items 1 to 8, subject to subregulation (3A).

(3A) If a mining lease is restricted under section 110 to minerals dissolved in brine, Schedule 2 item 9 applies instead of item 8.

(4) The prescribed rent for a mining tenement for the second and subsequent years of the term of the tenement shall be paid yearly in advance within one month after the anniversary of the date on which the term commenced.

*[Regulation 109 inserted: Gazette 2 Oct 1987 p. 3821; amended: Gazette 4 Apr 1997 p. 1779; 2 Feb 2001 p. 713-14; 9 Mar 2007 p. 871; 15 Jan 2010 p. 136; 24 Jun 2011 p. 2511; 22 Jun 2012 p. 2792; 24 May 2019 p. 1494; 18 Jun 2019 p. 2048.]*

*[**109A.** Deleted: Gazette 24 Jun 2011 p. 2511.]*

*[**110.** Deleted: Gazette 3 Feb 2006 p. 524.]*

**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; or

(c) by delivering it, or sending it by prepaid post to the person at the person's last known place of abode or business; or

(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; or

(e) where the party to be served is an applicant for, or the holder of, a mining tenement, by delivering it, or sending it by prepaid post, to the registered service address of the applicant or holder.

Note for this subregulation:

The *Mining (Royalties) Regulations 2025* prescribe requirements for documents related to, or connected with, a royalty or additional rent under Part 5A of the Act.

(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 the Magistrates Court in its civil jurisdiction shall be adopted as far as possible.

*[Regulation 111 amended: Gazette 9 Mar 2007 p. 871; 9 Nov 2012 p. 5402; SL 2025/153 r. 12; SL 2025/183 r. 12.]*

## 112. Securities

(1) For the purposes of sections 52(1), 60(1), 70F(1) and 84A(1), the applicant shall lodge a security within 28 days after lodging the application to which the security relates.

(2) For the purposes of section 126(1)(a)(ii), the amount of $5 000 is prescribed.

(3) For the purposes of section 126(1)(b), Form 32 is prescribed.

*[Regulation 112 inserted: Gazette 3 Feb 2006 p. 601; amended: Gazette 15 Jan 2010 p. 113.]*

### 112A. Discharge of security, application for (Act s. 126(7))

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; and

(ii) the boundaries of the workings; and

(iii) the access routes to the workings.

*[Regulation 112A inserted: Gazette 2 Oct 1987 p. 3821.]*

*[**113.** Deleted: SL 2025/153 r. 13.]*

### 113A. Prescribed persons before whom affidavit may be sworn (Act s. 160D)

For the purposes of section 160D(f), the offices of —

(a) Executive Director; and

(b) General Manager Resource Tenure; and

(c) Manager Mineral Tenure; and

(d) Manager Mining Information Counter,

in the Resource Tenure 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 113A inserted: Gazette 9 Mar 2007 p. 872; amended: Gazette 18 Mar 2011 p. 920; 22 Dec 2017 p. 5991.]*

### 113B. Prescribed official for certified documents (Act s. 161)

For the purposes of section 161(4)(a)(iii) the prescribed officials are —

(a) Executive Director Resource Tenure Division in the Department;

(b) General Manager Resource Tenure in the Resource Tenure Division of the Department.

*[Regulation 113B inserted: Gazette 9 Mar 2007 p. 872; amended: Gazette 18 Mar 2011 p. 920; 22 Dec 2017 p. 5991.]*

### 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 $10 000 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: Gazette 31 Jul 1992 p. 3776; 17 Jan 2003 p. 107.]*

# Part VI — Surveys

*[Heading inserted: Gazette 30 May 1986 p. 1840.]*

## 116. Terms used

In this Part, unless the contrary intention appears —

***approved surveyor*** means licensed surveyor who is for the time approved under regulation 117;

***Director*** means the person for the time being holding or acting in the office of the Executive Director Resource Tenure Division in the Department under Part 3 of the *Public Sector Management Act 1994*;

***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.

*[Regulation 116 inserted: Gazette 30 May 1986 p. 1840; amended: Gazette 13 Oct 1995 p. 4821; 18 Mar 2011 p. 920; 22 Dec 2017 p. 5991.]*

## 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 (General Surveying Practice)*

*Regulations 1961* [2] or a procedure approved by the Director; and

(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: Gazette 30 May 1986 p. 1840; amended: Gazette 2 Jul 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; or

(b) subject to section 80 of the Act, after the lodging of an application for a mining lease; or

(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's court 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: Gazette 30 May 1986 p. 1840; amended: Gazette 21 Jun 1991 p. 3056; 24 Jun 1994 p. 2933; 9 Mar 2007 p. 873.]*

### 118A. Notice of proposed mining surveys

(1) Where the Director proposes to carry out a mining survey of a tenement, the Director must give notice of that fact to —

(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 must give notice of that fact to 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: Gazette 16 Nov 1990 p. 5729; amended: Gazette 21 Jun 1991 p. 3056; SL 2025/183 r. 13.]*

### 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

(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: Gazette 21 Jun 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: Gazette 24 Jun 1994 p. 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: Gazette 30 May 1986 p. 1840; amended: Gazette 21 Jun 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: Gazette 30 May 1986 p. 1840; amended: Gazette 21 Jun 1991 p. 3057.]*

### 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 must give 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 of Form 16.

(3B) An objection lodged under subregulation (3a) must be accompanied by the fee set out in Schedule 2 item 23.

(4) A dispute or objection referred or lodged under this regulation shall be heard by the warden.

(5) When the warden has heard a dispute or objection under subregulation (4), the warden's recommendation relating to the dispute or objection must be forwarded by the warden to the Minister and the Minister must determine the dispute or objection.

*[Regulation 120A inserted: Gazette 30 May 1986 p. 1840-1; amended: Gazette 16 Nov 1990 p. 5729; 21 Jun 1991 p. 3057; 24 Dec 1993 p. 6829; 9 Mar 2007 p. 873; 15 Jan 2010 p. 114; 18 Mar 2011 p. 920; 1 Feb 2013 p. 454; 13 Dec 2019 p. 4238; SL 2024/183 r. 5; SL 2025/183 r. 14.]*

### 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: 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

(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: Gazette 30 May 1986 p. 1841; amended: Gazette 21 Jun 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: 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 the form of Form 44 and shall cause that report to be lodged.

*[Regulation 120E inserted: Gazette 5 Jul 1991 p. 3359; amended: Gazette 15 Jan 2010 p. 114; 18 Mar 2011 p. 920.]*

# Part VIA — Inspectors

*[Heading inserted: Gazette 24 Jun 1994 p. 2934.]*

## Division 1 — Inspectors

*[Heading inserted: Gazette 24 Jun 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: Gazette 24 Jun 1994 p. 2934.]*

### 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: Gazette 24 Jun 1994 p. 2934-5.]*

## Division 2 — Directions to modify mining operations

*[Heading inserted: Gazette 24 Jun 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 the registered service address of the holder.

*[Regulation 120H inserted: Gazette 24 Jun 1994 p. 2935; amended: SL 2025/183 r. 15.]*

### 120I. Directions

A direction to modify mining operations must —

(a) be in writing; and

(b) specify the operation or activity to be modified, and its effect or potential effect on the environment; and

(c) set out the reason for that effect or perceived effect; and

(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: Gazette 24 Jun 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 Executive Director, Resource and Environmental Compliance Division, 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 Executive Director, Resource and Environmental Compliance Division may —

(a) take into account any active measures that have been taken by the mining tenement holder which result in substantial compliance with the direction; and

(b) extend the time period for compliance with the direction, if 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 Executive Director, Resource and Environmental Compliance Division 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; or

(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: Gazette 24 Jun 1994 p. 2935-6; amended: Gazette 3 Feb 2006 p. 604; 22 Dec 2017 p. 5992.]*

### 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; or

(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: Gazette 24 Jun 1994 p. 2936.]*

## Division 3 — Stop Work Orders

*[Heading inserted: Gazette 24 Jun 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; or

(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

(b) in the absence of the person referred to in paragraph (a), by posting a copy to the mining tenement holder at the registered service address of the holder.

(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: Gazette 24 Jun 1994 p. 2936-7; amended: SL 2025/183 r. 16.]*

### 120M. Stop Work Orders

A Stop Work Order must —

(a) be in writing; and

(b) specify the operation or activity and its effect or the potential effect on the environment; and

(c) set out the mining operations to be stopped; and

(d) specify a time and date at or before which those mining operations are to stop; and

(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: Gazette 24 Jun 1994 p. 2937.]*

### 120N. Review of 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 Executive Director, Resource and Environmental Compliance Division setting out details of the reasons given by the inspector or senior inspector for issuing the Order, together with the Executive Director, Resource and Environmental Compliance Division's recommendations on the matter.

(4) Upon receiving the Executive Director, Resource and Environmental Compliance Division'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; or

(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 registered service address of the mining tenement

holder within 14 days of the receipt by the Minister of the request for review.

*[Regulation 120N inserted: Gazette 24 Jun 1994 p. 2937-8; amended: Gazette 3 Feb 2006 p. 604-5; 22 Dec 2017 p. 5992; SL 2025/183 r. 17.]*

### 120O. 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 —

(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: Gazette 24 Jun 1994 p. 2938.]*

# Part VIB — Aerial photography

*[Heading inserted: Gazette 13 Oct 1995 p. 4821.]*

## 120P. Terms used

In this Part —

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

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

***Director*** means the Director, Geological Survey.

*[Regulation 120P inserted: Gazette 13 Oct 1995 p. 4821; amended: Gazette 3 Feb 2006 p. 602.]*

## 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; and

(b) specifications of the aerial photography including —

(i) the date on which the aerial photography was undertaken; and

(ii) the height at which the aerial photography was undertaken; and

(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;

and

(c) his or her name and address; and

(d) the name and address of the owner of the negatives; and

(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: Gazette 13 Oct 1995 p. 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: Gazette 13 Oct 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(1)(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: Gazette 13 Oct 1995 p. 4822.]*

# Part VII — Proceedings in warden's court

*[Heading inserted: Gazette 9 Mar 2007 p. 873.]*

## 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 of Form 33.

(2) Fees payable in respect of such proceedings are respectively set out in Schedule 2.

*[Regulation 121 amended: Gazette 15 Jan 2010 p. 114 and 136.]*

## 122A. Lodging proceedings documents through Department's website

(1) Subject to the requirements of the Department's website and this regulation, a person may lodge electronically a document in relation to proceedings in the warden's court by lodging an electronic version of it by means of the Department's website.

(2) If a document is or must be signed by a person who is not, or who is not acting on behalf of, the person lodging it, the document cannot be lodged electronically unless it is an affidavit.

(3) If a document is in a form that, before it is lodged, is required to be signed by or on behalf of the person lodging it and the document is being lodged electronically —

(a) the document need not be signed by that person; and

(b) the person lodging the document electronically must ensure that the electronic version of the document, instead of showing a signature at any place where a signature is required, states the name of the person whose signature is required at the place.

(4) A person who lodges an affidavit electronically must either lodge an electronic version of it that includes the signatures on it or —

(a) lodge an electronic version of it that does not include the signatures on it; and

(b) ensure that the electronic version, instead of showing a signature at any place where a signature appears in the paper version, states the name of the person whose signature it is; and

(c) also lodge an undertaking that the person —

(i) has possession of the paper version signed according to law; and

(ii) will retain the paper version subject to any order of the warden's court.

(5) A document that is lodged electronically after 4.30 p.m. on a working day and before 8.30 a.m. on the next working day is to be taken to have been lodged at 8.30 a.m. on that next working day.

(6) If a document is sent electronically to the Department but not in accordance with the requirements of the Department's website and this regulation —

(a) the document is to be taken not to have been lodged; and

(b) the mining registrar must notify the person who sent it of the fact.

(7) A person who lodges a document electronically must have the paper version of the document with him or her at any hearing of the relevant proceedings.

(8) The warden's court may, at any time, order a person who has lodged a document electronically to lodge the paper version of the document.

(9) This regulation does not affect, and is not affected by, regulation 59B.

*[Regulation 122A inserted: Gazette 9 Nov 2012 p. 5402-4.]*

### 122. Lodgment, withdrawal of plaint

(1) Every plaint shall be signed by the plaintiff or his legal practitioner and lodged with the prescribed fees.

(2) A plaint shall not be withdrawn or proceedings stayed after a summons has been endorsed on the plaint and served without the written consent of the respondent or by leave of the warden's court.

*[Regulation 122 amended: Gazette 9 Mar 2007 p. 873; 15 Jan 2010 p. 114; 18 Mar 2011 p. 921; 9 Nov 2012 p. 5404; SL 2022/118 r. 7.]*

### 123. Issue of summons

(1) On receipt of a plaint, the mining registrar shall —

(a) fix a date and time for a mention hearing in the warden's court being not less than 45 days from the date of lodgment, unless all parties to the action consent to an earlier mention hearing date; and

(b) advise the plaintiff of the mention hearing date; and

(c) endorse a summons on the plaint addressed to each respondent and forward it for service in accordance with regulation 124 to —

(i) the plaintiff; or

(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 that regulation.

(2) At a mention hearing the court may —

(a) set a date for the hearing of the proceedings; or

(b) adjourn the proceedings to a further mention hearing; or

(c) make any other order,

or may do any combination of those things.

*[Regulation 123 amended: Gazette 17 Jan 2003 p. 114; 9 Mar 2007 p. 874; 15 Jan 2010 p. 114; 9 Nov 2012 p. 5404-5.]*

**124. Service of summons**

(1) A summons endorsed on a plaint under regulation 123(1)(c) must be served personally on a respondent.

(2) For the purposes of subregulation (1), a summons is served personally on a respondent if it is served in accordance with regulation 150AB.

*[Regulation 124 inserted: Gazette 9 Nov 2012 p. 5405.]*

**125. Time for service**

(1a) In this regulation —

***summons*** means a summons endorsed on a plaint under regulation 123(1)(c) or a witness summons under regulation 127.

(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 an application by the plaintiff, fix a new date of hearing and issue an amended summons.

*[Regulation 125 amended: Gazette 17 Jan 2003 p. 114; 9 Mar 2007 p. 875; 9 Nov 2012 p. 5405-6.]*

**126. Notice of defence**

When the respondent intends to dispute the claim he shall lodge within 14 days after the service of the summons, or at any

subsequent time prior to the mention hearing as the warden may allow, a response in the form of Form 36 with the prescribed fee, and the mining registrar shall forward a copy of the response to the plaintiff.

*[Regulation 126 amended: Gazette 24 Jun 1994 p. 2938; 11 Jun 1999 p. 2545; 17 Jan 2003 p. 114; 9 Mar 2007 p. 875; 15 Jan 2010 p. 115; 18 Mar 2011 p. 925.]*

### 127. Witness summons

(1) Each party may procure the attendance of a witness to give evidence or produce documents by means of a witness summons issued by the court in the form of Form 37 and served personally on the witness.

(2) For the purposes of subregulation (1), a witness summons is served personally on a witness if it is served in accordance with regulation 150AB(1).

(3) A witness who attends in answer to a summons shall be entitled to —

(a) an amount that is likely to be sufficient to meet the reasonable expenses of attending the warden's court; or

(b) arrangements to enable the witness to attend the warden's court; or

(c) the means to enable the witness to attend the warden's court.

(4) A witness is not required to attend unless at the time of the service of the summons subregulation (3) has been complied with.

*[Regulation 127 inserted: Gazette 9 Mar 2007 p. 876-7; amended: Gazette 15 Jan 2010 p. 115; 9 Nov 2012 p. 5406.]*

### 127A. Requirements for service

(1) If under this Part a party is required to serve a document —

(a) the party shall serve a copy of the document returned

after lodgment bearing the seal of the warden's court; and

(b) unless these regulations provide otherwise or the warden's court otherwise directs, the party must serve the document —

(i) on each other party within 14 days after the document is lodged; and

(ii) by ordinary service in accordance with regulation 127CA.

*[(2) deleted]*

*[Regulation 127A inserted: Gazette 9 Mar 2007 p. 877; amended: Gazette 9 Nov 2012 p. 5406.]*

### 127B. Address for service of lodged documents

(1) A document lodged in relation to proceedings in the warden's court must specify a residential or business address for service.

(2) If the party lodging the document is represented by a legal practitioner, the address for service must be the principal place of business of the legal practitioner.

(3) The address for service specified in a document is to be taken to be the party's address for service under this Part until —

(a) if the document specifies the address of a legal practitioner under subregulation (2), the legal practitioner lodges a notice —

(i) stating that the legal practitioner no longer acts for the party; and

(ii) specifying the party's new address for service if it is known to the legal practitioner;

or

(b) a notice of change of address is lodged by the party.

(4) If a party's address for service under this regulation changes after the lodgment of a document in relation to proceedings, the party must lodge and serve a notice of change of address as soon as practicable after the change occurs.

*[Regulation 127B inserted: Gazette 9 Nov 2012 p. 5407; amended: SL 2020/119 r. 4; SL 2022/118 r. 7.]*

### 127CA. Ordinary service

(1) In order to serve a document by ordinary service, a person must —

(a) deliver the document, or send it by pre-paid post —

(i) if an address has been provided under regulation 127B(1), to that address; or

(ii) if an address has not been provided under regulation 127B(1), to the person's usual or last known place of residence or principal or last known place of business, as the case may be;

or

(b) if an electronic address has been provided under regulation 127CB serve the document in accordance with regulation 127CC; or

(c) serve the document as directed by the warden.

(2) This regulation does not prevent a person from consenting to being served in a manner other than in accordance with this Part.

*[Regulation 127CA inserted: Gazette 9 Nov 2012 p. 5408.]*

### 127CB. Electronic addresses for service

(1) For the purposes of enabling the service by fax of documents that under this Part are required to be served, a person may, in addition to providing an address for service under regulation 127B(1), provide a fax number operating at that address.

(2) For the purposes of enabling the service by email of documents that under this Part are required to be served, a person may, in addition to providing an address for service under regulation 127B(1), provide an email address operating at that address.

(3) If a legal practitioner practises in a business with one or more other legal practitioners or people —

(a) any fax number provided under subregulation (1) must be the fax number of the business and not that of the legal practitioner personally; and

(b) any email address provided under subregulation (2) must be the email address of the business and not that of the legal practitioner personally.

(4) A person who under this regulation provides an email address or a fax number is to be taken to consent to being served with documents by fax at that fax number, or as an attachment to an email sent to that email address, as the case may be.

(5) If a party's fax number or email address provided under this regulation changes, the party must lodge with the warden and serve a notice of change of address as soon as practicable after the change occurs.

*[Regulation 127CB inserted: Gazette 9 Nov 2012 p. 5408-9; amended: SL 2022/118 r. 7.]*

### 127CC. Service electronically

(1) If under this Part a party is required to serve a document, then, unless the contrary intention appears, the party may serve the document —

(a) if the party to be served has provided a fax number under regulation 127CB(1), by sending the document by fax to that number; or

(b) if the party to be served has provided an email address under regulation 127CB(2), by sending the document as an attachment to an email sent to that address.

(2) A document that is served by fax must have a cover page stating —

(a) the sender's name, residential or business address, telephone number and fax number; and

(b) the number of pages (including the cover page) being sent by fax.

(3) A person that serves a document by fax must —

(a) endorse the first page of the original document with —

(i) a statement that the document is the original of a document sent by fax; and

(ii) the date and time the document was sent by fax;

and

(b) keep the endorsed original document and the fax machine's report evidencing the successful transmission of the document; and

(c) if directed to do so by the warden, produce the items in paragraph (b) to the warden.

(4) A document that is served by email or fax on a person is to be taken to have been served —

(a) if the whole document is sent before 4.30 p.m. on a working day, on that day;

(b) otherwise, on the next working day.

(5) Subregulation (1), with any necessary changes, applies to the service by the warden of any document on a party.

(6) This regulation does not prevent a person from consenting to being served in a manner other than in accordance with this Part.

*[Regulation 127CC inserted: Gazette 9 Nov 2012 p. 5409-10; amended: SL 2020/119 r. 5.]*

### 127C. Documents served by bailiff

(1) If a document is served by a bailiff on behalf of a party to proceedings in the warden's court, the bailiff shall, as soon as practicable after the service but in any event not less than 7 days before the hearing of the plaint, give a certificate in writing of the service to the party.

(2) The certificate is admissible as evidence and, in the absence of proof to the contrary, is proof that the document was served by the bailiff.

*[Regulation 127C inserted: Gazette 9 Mar 2007 p. 878.]*

### 127D. Documents served by other persons

(1) If a document is served by a party to proceedings in the warden's court, or on behalf of a party by a person other than a bailiff, the party shall lodge an affidavit of service completed by the person who served the document.

(2) The affidavit of service shall be in the form of Form 35.

*[Regulation 127D inserted: Gazette 9 Mar 2007 p. 878; amended: Gazette 15 Jan 2010 p. 115; 18 Mar 2011 p. 925.]*

### 127E. Substituted service

(1) If for any reason it is impractical to serve a document in the manner set out in this Part, the warden's court may, on an application in the form of Form 36A by the person required to serve that document, order that, instead of using such a manner, such steps be taken as are specified in the order for the purpose of bringing the document to the notice of the person to be served with or given the document.

(2) If the warden's court makes an order under subregulation (1), the court may order that the document is to be taken to have been served or given on the happening of any specified event, or on the expiry of any specified time.

*[Regulation 127E inserted: Gazette 9 Mar 2007 p. 878; amended: Gazette 15 Jan 2010 p. 115.]*

### 127F. Content of affidavit

(1) Except as provided in subregulation (2), an affidavit lodged in proceedings in the warden's court shall be confined to facts to which the person making the affidavit is able to depose from his or her own knowledge.

(2) An affidavit may contain statements based on information received by the person making the affidavit, and believed by that person to be true, if the affidavit also contains —

(a) the sources of the information; and

(b) the grounds for believing that the information is true.

(3) Any addition, alteration or erasure in an affidavit shall be initialled by the person making the affidavit and the person before whom the affidavit was sworn or affirmed.

*[Regulation 127F inserted: Gazette 9 Mar 2007 p. 879.]*

### 127G. Prescribed form of copy of evidence (Act s. 137(4))

For the purposes of section 137(4), a written transcript is prescribed as the form in which a copy of evidence may be obtained by a person.

*[Regulation 127G inserted: Gazette 9 Mar 2007 p. 879.]*

### 128. Costs

(1) Where the warden's court orders costs to be paid by any party, those costs shall be in accordance with the legal costs determination in force under the *Legal Profession Uniform Law*

*Application Act 2022* section 133 that applies to the civil jurisdiction of the Magistrates Court.

*[(2) deleted]*

(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 costs to be paid under subregulation (1) are inadequate in that regard, the warden may, upon application (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.

*[Regulation 128 amended: Gazette 9 Mar 2007 p. 879-80; 15 Jan 2010 p. 115; SL 2022/118 r. 5.]*

**129. Copy of judgment**

(1) When the decision of any plaint has been delivered by the warden's court, a judgment in the form of Form 38 may be signed by the warden or mining registrar and lodged in the court.

(2) A copy of the judgment shall, on payment of the prescribed fee, be delivered to any person applying for it.

*[Regulation 129 amended: Gazette 9 Mar 2007 p. 880; 15 Jan 2010 p. 116.]*

***[130-134.*** *Deleted: Gazette 9 Mar 2007 p. 880.]*

### 135. Appeal to Supreme Court (Act s. 147)

An appeal pursuant to section 147 of the Act shall be made in the form of Form 42.

*[Regulation 135 amended: Gazette 15 Jan 2010 p. 116.]*

### 136. Injunction

An order of the warden's court for an injunction shall be in the form of Form 43.

*[Regulation 136 amended: Gazette 15 Jan 2010 p. 116.]*

### 136A. Fee for certification of documents

A person may obtain a certified copy of a document referred to in section 140, 148 or 161 on payment of the prescribed fee.

*[Regulation 136A inserted: SL 2022/58 r. 17.]*

# Part VIII — Proceedings before warden under Part IV of the Act

*[Heading inserted: Gazette 9 Mar 2007 p. 880.]*

## Division 1 — General

*[Heading inserted: Gazette 9 Mar 2007 p. 880.]*

### 137. Terms used

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

***agent*** means a person acting for a party under regulation 168A(1)(c) or (2)(c);

***determination*** means a decision, order or recommendation;

***hearing*** means —

(a) a mention hearing; or

(b) the hearing of an interlocutory application; or

(c) the substantive hearing of proceedings;

***mention hearing*** means a mention hearing under regulation 138(1) or (2)(c);

***objection*** means an objection under Part IV of the Act;

***officer***, in relation to a body corporate, has the same meaning as that term has in relation to a corporation in the Corporations Act section 9;

***party*** means a party to proceedings;

***proceedings*** —

(a) when used in Division 2, means proceedings in respect of an application under section 96(1)(b) or 98; and

(b) when used in Division 3, means proceedings relating to an application under Part IV in relation to which an objection has been lodged; and

(c) otherwise means proceedings under this Part.

(2) For the purposes of this Part, proceedings are taken to have commenced when —

(a) an application under section 96(1)(b) or 98; or

(b) an objection,

has been lodged.

*[Regulation 137 inserted: Gazette 9 Mar 2007 p. 880-1; amended: Gazette 18 Mar 2011 p. 921; SL 2020/119 r. 6.]*

### 138A. Lodging proceedings documents through Department's website

(1) Subject to the requirements of the Department's website and this regulation, a person may lodge electronically a document in relation to proceedings before the warden by lodging an electronic version of it by means of the Department's website.

(2) If a document is or must be signed by a person who is not, or who is not acting on behalf of, the person lodging it, the document cannot be lodged electronically unless it is an affidavit.

(3) If a document is in a form that, before it is lodged, is required to be signed by or on behalf of the person lodging it and the document is being lodged electronically —

(a) the document need not be signed by that person; and

(b) the person lodging the document electronically must ensure that the electronic version of the document, instead of showing a signature at any place where a signature is required, states the name of the person whose signature is required at the place.

(4) A person who lodges an affidavit electronically must either lodge an electronic version of it that includes the signatures on it or —

(a) lodge an electronic version of it that does not include the signatures on it; and

(b) ensure that the electronic version, instead of showing a signature at any place where a signature appears in the paper version, states the name of the person whose signature it is; and

(c) also lodge an undertaking that the person —

(i) has possession of the paper version signed according to law; and

(ii) will retain the paper version subject to any order of the warden.

(5) A document that is lodged electronically after 4.30 p.m. on a working day and before 8.30 a.m. on the next working day is to be taken to have been lodged at 8.30 a.m. on that next working day.

(6) If a document is sent electronically to the Department but not in accordance with the requirements of the Department's website and this regulation —

(a) the document is to be taken not to have been lodged; and

(b) the mining registrar must notify the person who sent it of the fact.

(7) A person who lodges a document electronically must have the paper version of the document with him or her at any hearing of the relevant proceedings.

(8) The warden may, at any time, order a person who has lodged a document electronically to lodge the paper version of the document.

(9) This regulation does not affect, and is not affected by, regulation 59B.

*[Regulation 138A inserted: Gazette 18 Mar 2011 p. 921-2.]*

### 138. Mention hearing

(1) When proceedings are commenced the mining registrar shall —

(a) fix a date and time for a mention hearing before the warden being not less than 45 days from the date of lodgment, unless all parties to the proceedings consent to an earlier mention hearing date; and

(b) advise the parties of the mention hearing date; and

(c) in the case of an application for forfeiture — cause copies of the application to be returned to the applicant for service on —

(i) each respondent; and

(ii) any mortgagee of a mining tenement to which the application relates.

(2) At a mention hearing the warden may —

(a) issue directions to the parties; or

(b) set a date for the substantive hearing of the proceedings; or

(c) adjourn the proceedings to another mention hearing.

*[Regulation 138 inserted: Gazette 9 Mar 2007 p. 881-2.]*

### 139. Default determination

(1) Except as provided in the Act, if a party does not comply with a requirement of this Part, a summons or an interlocutory order or direction of the warden, the warden may —

(a) order the party to pay the costs occasioned by the noncompliance irrespective of the final determination of the proceedings; or

(b) determine the proceedings without a substantive hearing.

(2) An order under subregulation (1)(a) may direct that costs be paid forthwith.

*[Regulation 139 inserted: Gazette 9 Mar 2007 p. 882; amended: Gazette 9 Nov 2012 p. 5411.]*

## Division 2 — Applications under section 96(1)(b) and 98

*[Heading inserted: Gazette 9 Mar 2007 p. 883.]*

### 140. Making an application

(1) An application under section 96(1)(b) or 98 shall be in the form of Form 35A.

(2) Every application shall be —

(a) signed by the applicant or a legal practitioner or other person authorised by the applicant; and

(b) lodged with the prescribed fees.

(3) The applicant shall serve copies of the application returned after lodgment under regulation 138(1)(c).

(4) An application shall not be withdrawn or proceedings stayed after the application has been served without the written consent of the respondent or by leave of the warden.

*[Regulation 140 inserted: Gazette 9 Mar 2007 p. 883; amended: Gazette 15 Jan 2010 p. 116; 18 Mar 2011 p. 922; SL 2022/118 r. 7.]*

### 141. Response

(1) When the respondent intends to dispute an application lodged under regulation 140, the respondent shall, within 14 days after the service of the application, lodge a response in the form of Form 36.

(2) Every response shall be —

(a) signed by the respondent or a legal practitioner or other person authorised by the respondent; and

(b) lodged with the prescribed fees.

(3) The respondent must serve a copy of the response on the applicant.

*[Regulation 141 inserted: Gazette 9 Mar 2007 p. 883; amended: Gazette 15 Jan 2010 p. 117; 18 Mar 2011 p. 922; 9 Nov 2012 p. 5411; SL 2022/118 r. 7.]*

**142. Settlement, admission and discontinuance**

(1) The parties may settle proceedings or consent to any other order or direction by lodging a written memorandum to that effect, signed by each party.

(2) If a party wants to admit a particular fact alleged in —

(a) an application or response; or

(b) particulars under regulation 144; or

(c) an invitation to admit under subregulation (3),

the party shall lodge and serve a written notice of admission.

(3) If a party wants to invite another party to admit a particular alleged fact the party shall lodge and serve a written invitation to admit at least 14 days before the substantive hearing of the proceedings.

(4) If —

(a) a party does not admit a fact when invited to do so; and

(b) the warden subsequently finds the fact to be proven,

the warden may award the costs of proving that fact against the party.

(5) An order under subregulation (4) may direct that costs be paid forthwith.

(6) If an applicant wants to withdraw an application, the applicant shall lodge and serve on each respondent, and any mortgagee of

a mining tenement to which the application relates, a written notice of withdrawal before the application has been served.

*[Regulation 142 inserted: Gazette 9 Mar 2007 p. 884.]*

**143. Joinder**

A warden may, at any time during proceedings, make an order that a person be joined as a party if the warden is satisfied that the person has a sufficient interest in the outcome of the proceedings.

*[Regulation 143 inserted: Gazette 9 Mar 2007 p. 885.]*

**144. Particulars**

(1) A person lodging and serving an application under regulation 140 or a response under regulation 141 shall lodge and serve a written statement of particulars of the application or response —

(a) at the same time as the person lodges and serves the application or response; or

(b) as directed by the warden at a mention hearing.

(2) The statement of particulars shall contain —

(a) a summary of the facts relevant to the application or response; and

(b) the legal basis of the application or response; and

(c) the basic contentions of the person making the application or response; and

(d) a list of any documents that the applicant or respondent might tender in evidence at the substantive hearing of the proceedings.

(3) The warden at a mention hearing may order that a party shall provide further particulars of an application or response in addition to those provided under subregulation (1).

*[Regulation 144 inserted: Gazette 9 Mar 2007 p. 885.]*

### 145. Disclosure of documents by applicant

(1) The warden may, at any time during proceedings, order that an applicant shall provide additional information by disclosing documents relevant to the proceedings.

(2) For the purposes of subregulation (1) the *Magistrates Court (Civil Proceedings) Rules 2005* Part 7 applies so that —

(a) a reference to an order under section 16(1)(n) is to be read as a reference to an order under subregulation (1); and

(b) a reference to a party ordered to provide additional information by disclosing documents is a reference to an applicant who is subject to an order under subregulation (1); and

(c) a reference to the Court is to be read as a reference to the warden; and

(d) a reference to a case is to be read as a reference to proceedings under this Division; and

(e) a reference to the trial is to be read as a reference to a substantive hearing of the proceedings.

(3) An order under subregulation (1) cannot be made against a respondent.

*[Regulation 145 inserted: Gazette 9 Mar 2007 p. 886.]*

## Division 3 — Objections under the Act Part IV

*[Heading inserted: Gazette 9 Mar 2007 p. 886.]*

### 146. Making an objection

(1) An objection shall be in the form of Form 16.

(1A) The fee set out in Schedule 2 item 23 is the prescribed fee for the purposes of each of the sections set out in the Table.

**Table**

| | |
|---|---|
| s. 42(1A)(b) | s. 56A(4)(a)(ii) |
| s. 59(1A)(b) | s. 70(4)(a)(ii) |
| s. 70D(1A)(b) | s. 75(1AA)(b) |
| s. 97A(6A)(b) | s. 102(4B)(b) |

(2) An objection shall be made within —

(a) where the application being objected to is for a mining tenement relating to private land —

(i) 21 days of the day on which the person was served with a copy of notice required to be given under section 33(1); or

(ii) 35 days after the day on which the application is lodged,

whichever period ends later; or

*[(aa) deleted]*

(b) in any other case — 35 days after the day the application being objected to is lodged,

or such further period as the warden considers reasonable.

(3) The objector shall serve a copy of the objection on the applicant as soon as practicable after the objection is made.

*[Regulation 146 inserted: Gazette 9 Mar 2007 p. 886-7; amended: Gazette 15 Jan 2010 p. 117; SL 2020/108 r. 7; SL 2024/183 r. 6.]*

### 147. Procedure when objection heard together with proceedings under Division 2

When proceedings for an objection are heard together with proceedings under Division 2 then, even if the proceedings are not joined, regulations 144 and 145 apply so that —

(a) a reference to a response under regulation 141 is to be read as a reference to an objection; and

(b) a reference to a respondent is a reference to the person making the objection; and

(c) a reference to a party includes the person making the objection; and

(d) a reference to proceedings includes the proceedings relating to the objection.

*[Regulation 147 inserted: Gazette 9 Mar 2007 p. 887.]*

## Division 4 — Service

*[Heading inserted: Gazette 9 Mar 2007 p. 888.]*

### 148. Requirements for service

If under this Part a party is required to serve a document —

(a) the party shall serve a copy of the document returned after lodgment; and

(b) unless these regulations provide otherwise or the warden otherwise directs, the party must serve the document —

(i) on each other party within 14 days after the document is lodged; and

(ii) by ordinary service in accordance with regulation 150AA.

*[Regulation 148 inserted: Gazette 9 Mar 2007 p. 888; amended: Gazette 9 Nov 2012 p. 5411.]*

**149. Address for service of lodged documents**

(1) A document lodged in relation to proceedings must specify a residential or business address for service.

(2) If the party lodging the document is represented by a legal practitioner, the address for service must be the principal place of business of the legal practitioner.

(3) The address for service specified in the document is to be taken to be the party's address for service under this Part until —

(a) if the document specifies the address of a legal practitioner under subregulation (2), the legal practitioner lodges a notice —

(i) stating that the legal practitioner no longer acts for the party; and

(ii) specifying the party's new address for service if it is known to the legal practitioner;

or

(b) a notice of change of address is lodged by the party.

(4) If a party's address for service under this regulation changes after the lodgment of documents in relation to proceedings, the party must lodge and serve a notice of change of address as soon as practicable after the change occurs.

*[Regulation 149 inserted: Gazette 9 Nov 2012 p. 5412; amended: SL 2020/119 r. 7; SL 2022/118 r. 7.]*

### 150AA. Ordinary service

(1) In order to serve a document by ordinary service, a person must —

(a) deliver the document, or send it by pre-paid post —

(i) if an address has been provided under regulation 149(1), to that address; or

(ii) if an address has not been provided under regulation 149(1), to the person's usual or last known place of residence or principal or last known place of business, as the case may be;

or

(b) if an electronic address has been provided under regulation 150A, serve the document in accordance with regulation 150B; or

(c) serve the document as directed by the warden.

(2) This regulation does not prevent a person from consenting to being served in a manner other than in accordance with this Part.

*[Regulation 150AA inserted: Gazette 9 Nov 2012 p. 5413.]*

### 150AB. Personal service

(1) In order to serve a document on an individual personally, a person must —

(a) hand the document to the individual or, if the individual is a person under a legal disability, to the individual's parent, guardian or litigation guardian; or

(b) if the individual or the individual's parent, guardian or litigation guardian, as the case may be, does not accept the document, put the document down in his or her presence and advise him or her of the nature of the document; or

(c) hand the document to a person who is authorised in writing to receive documents on behalf of the individual; or

(d) hand the document to someone at the individual's principal or last known place of residence or business who is believed, on reasonable grounds, to have reached 18 years of age; or

(e) hand the document to a legal practitioner who is acting for the individual.

(2) In order to serve a document on a body corporate personally, a person must hand the document to —

(a) a person who, on reasonable grounds, is believed to be a director of the body corporate who resides in Australia; or

(b) a legal practitioner who is acting for the body corporate.

(3) In order to serve a document on a public authority personally, a person must —

(a) hand the document to a person who, on reasonable grounds, is believed to be —

(i) the chief executive officer of the public authority; or

(ii) authorised to receive documents on behalf of the chief executive officer of the public authority;

or

(b) hand the document to a legal practitioner who is acting for the public authority.

*[Regulation 150AB inserted: Gazette 9 Nov 2012 p. 5413-14; amended: SL 2022/118 r. 7.]*

### 150AC. Warden may dispense with personal service

The warden may make an order dispensing with a requirement in this Part for a person to serve a document personally.

*[Regulation 150AC inserted: Gazette 9 Nov 2012 p. 5415.]*

### 150A. Electronic addresses for service

(1) For the purposes of enabling the service by fax of documents that under this Part are required to be served a person may, in addition to providing an address for service under regulation 149, provide a fax number operating at that address.

(2) For the purposes of enabling the service by email of documents that under this Part are required to be served a person may, in addition to providing an address for service under regulation 149, provide an email address operating at that address.

(3) If a legal practitioner practises in a business with one or more other legal practitioners or people —

(a) any fax number provided under subregulation (1) must be the fax number of the business and not that of the legal practitioner personally; and

(b) any email address provided under subregulation (2) must be the email address of the business and not that of the legal practitioner personally.

(4) A person who under this regulation provides an email address or a fax number is to be taken to consent to being served with documents by fax at that fax number, or as an attachment to an email sent to that email address, as the case may be.

(5) If a party's fax number or email address provided under this regulation changes, the party must lodge with the warden and serve a notice of change of address as soon as practicable after the change occurs.

*[Regulation 150A inserted: Gazette 18 Mar 2011 p. 923; amended: SL 2022/118 r. 7.]*

### 150B. Service electronically

(1) If under this Part a party is required to serve a document, then, unless the contrary intention appears, the party may serve the document —

(a) if the party to be served has provided a fax number under regulation 150A(1), by sending the document by fax to that number; or

(b) if the party to be served has provided an email address under regulation 150A(2), by sending the document as an attachment to an email sent to that address.

(2) A document cannot be served by email under subregulation (1) if under regulation 138A(2) it cannot be lodged electronically.

(3) A document that is served by fax must have a cover page stating —

(a) the sender's name, residential or business address, telephone number and fax number; and

(b) the number of pages (including the cover page) being sent by fax.

(4) A person that serves a document by fax must —

(a) endorse the first page of the original document with —

(i) a statement that the document is the original of a document sent by fax; and

(ii) the date and time the document was sent by fax;

and

(b) keep the endorsed original document and the fax machine's report evidencing the successful transmission of the document; and

(c) if directed to do so by the warden, produce the items in paragraph (b) to the warden.

(5) Regulation 138A(3) and (4)(a) and (b), with any necessary changes, apply to a document being served by email in the same way as they apply to a document being lodged electronically.

(6) A document that is served by email or fax on a person is to be taken to have been served —

(a) if the whole document is sent before 4.30 p.m. on a working day, on that day;

(b) otherwise, on the next working day.

(7) Subregulation (1), with any necessary changes, applies to the service by the warden of any document on a party.

(8) This regulation does not prevent a person from consenting to being served in a manner other than in accordance with this Part.

*[Regulation 150B inserted: Gazette 18 Mar 2011 p. 923-4; amended: SL 2020/119 r. 8.]*

**150. Documents served by other persons**

(1) If a document is served by a party to proceedings before the warden, or on behalf of a party by another person, the party shall lodge an affidavit of service completed by the person who served the document.

(2) The affidavit of service shall be in the form of Form 35.

(3) If the document is served by a bailiff of the warden's court, any written certificate of service of the bailiff lodged by the party —

(a) is to be taken to be an affidavit of service for the purposes of this regulation; and

(b) is admissible as evidence and, in the absence of proof to the contrary, is proof that the document was served by the bailiff.

*[Regulation 150 inserted: Gazette 9 Mar 2007 p. 888; amended: Gazette 15 Jan 2010 p. 117; 18 Mar 2011 p. 925.]*

### 151. Substituted service

(1) If for any reason it is impractical to serve a document in the manner set out in this Division, the warden may, on an application in the form of Form 36A by the person required to serve that document, order that, instead of using such a manner, such steps be taken as are specified in the order for the purpose of bringing the document to the notice of the person to be served with or given the document.

(2) If the warden makes an order under subregulation (1), the warden may order that the document is to be taken to have been served or given on the happening of any specified event, or on the expiry of any specified time.

*[Regulation 151 inserted: Gazette 9 Mar 2007 p. 889; amended: Gazette 15 Jan 2010 p. 117.]*

## Division 5 — Interlocutory orders and directions by the warden

*[Heading inserted: Gazette 9 Mar 2007 p. 889.]*

### 152. General powers of the warden in relation to interlocutory orders and directions

(1) In addition to any other power of the warden to make an interlocutory order or give a direction in this Part, a warden may, at any stage of proceedings, do all or any of the following for the purposes of controlling and managing the proceedings —

(a) make an order that proceedings be heard and determined at another place if —

(i) the warden is satisfied that the proceedings could more conveniently or fairly be heard and determined at the other place; or

(ii) the parties consent to the proceedings being heard and determined at the other place;

(b) extend the time for complying with any regulation in this Part or any order made by the warden (even if the time for complying has expired), or shorten it;

(c) adjourn or bring forward a hearing to a specified date;

(d) stay any proceedings, either generally or until a specified date;

(e) consolidate proceedings;

(f) hear 2 or more proceedings on the same occasion;

(g) hold a hearing by audio link or video link (as those terms are defined in the *Evidence Act 1906* section 120);

(h) allow a party to amend its application, objection, response or particulars under regulation 144;

(i) dispense with any interlocutory proceedings;

(j) as to the hearing of any interlocutory application —

(i) direct the parties to confer in order to identify the issues between them and resolve as many as possible before the hearing and to identify the issues to be heard; and

(ii) direct the parties to file and exchange memoranda before the hearing in order to identify the issues to be heard;

(k) expedite the listing of proceedings for a substantive hearing if the warden is of the opinion that a party has frivolously or vexatiously instituted or defended proceedings or that the party's case otherwise has no merit;

(l) do anything else that in the warden's opinion will or may facilitate proceedings being conducted and concluded efficiently, economically and expeditiously.

(2) Without limiting subregulation (1), for the purposes of the substantive hearing of proceedings or the hearing of an

interlocutory application a warden may do all or any of the following —

(a) direct the mining registrar to issue a witness summons referred to in regulation 157, whether on behalf of a party or on the warden's own motion;

(b) inspect any document produced at the hearing, and retain it for such reasonable period as is required, and make copies of the document or any of its contents;

(c) require any person to swear or affirm to answer truly any relevant question put to that person by the warden or any person attending the hearing.

(3) A power of the warden to make an interlocutory order or give a direction includes a power to vary or cancel the order or direction.

*[Regulation 152 inserted: Gazette 9 Mar 2007 p. 889-91.]*

### 153. Applications for interlocutory orders or directions

(1) A party may make an application for an order or direction of the warden by lodging and serving it in the form of Form 36A.

(2) The application shall be supported by an affidavit that is lodged and served together with the application.

(3) On receipt of the application, the warden must fix a date and time for the hearing of the application.

*[Regulation 153 inserted: Gazette 9 Mar 2007 p. 891; amended: Gazette 15 Jan 2010 p. 118; 9 Nov 2012 p. 5415.]*

## Division 6 — Conduct of hearings

*[Heading inserted: Gazette 9 Mar 2007 p. 892.]*

### 154. Conduct of hearings generally

(1) In conducting any hearing the warden —

(a) is to act with as little formality as possible; and

(b) is bound by the rules of natural justice; and

(c) is not bound by the rules of evidence; and

(d) may inform himself or herself of any matter in any manner he or she considers appropriate.

(2) Subject to subregulation (3), a hearing is to be conducted in public.

(3) If the warden is satisfied that it is desirable to do so by reason of the confidential nature of any evidence or matter or for any other reason, the warden may direct that the hearing be conducted wholly or partly in private.

(4) If the warden gives a direction under subregulation (3) the warden may give directions as to the persons who may be present at the hearing.

(5) Irrespective of whether the warden gives a direction under subregulation (3), the warden may order that —

(a) any evidence given before the warden; or

(b) the content of any documents produced to the warden,

during any part of the hearing is not to be published except in the manner and to the persons specified by the warden.

*[Regulation 154 inserted: Gazette 9 Mar 2007 p. 892.]*

### 155. Attendance at mention hearings and interlocutory hearings

(1) A party must attend a mention hearing or the hearing of an interlocutory application —

(a) through a legal practitioner or agent; or

(b) if the warden so orders — in person.

(2) Despite subregulation (1), a warden may conduct a mention hearing or the hearing of an interlocutory application in the absence of a party, including any legal practitioner or agent of the party —

(a) on an application under subregulation (3); or

(b) otherwise, if the warden thinks fit.

(3) If it is impracticable, by reason of distance, illness or otherwise, for a party to attend a mention hearing or an interlocutory hearing, either through a legal practitioner or agent or in person, the party may apply in writing to the warden for the hearing to be conducted in the absence of the party.

(4) An application under subregulation (3) shall be —

(a) lodged at least 7 days before the day of the hearing; and

(b) accompanied by written submissions that are sufficient to enable the hearing to be conducted in the absence of the party.

*[Regulation 155 inserted: Gazette 9 Mar 2007 p. 893; amended: SL 2022/118 r. 7.]*

**156. Attendance at substantive hearings of proceedings**

(1) Unless the warden orders otherwise, a party shall attend the substantive hearing of proceedings in person, regardless of whether the party's legal practitioner or agent is also present.

(2) If a party is a body corporate, the body corporate is taken to attend for the purposes of subregulation (1) if any of the following attend on behalf of the body corporate —

(a) an officer of the body corporate;

(b) an employee of the body corporate who has written authority from an officer of the body corporate to attend the hearing.

*[Regulation 156 inserted: Gazette 9 Mar 2007 p. 893-4; amended: SL 2020/119 r. 9; SL 2022/118 r. 7.]*

## Division 7 — Evidence

*[Heading inserted: Gazette 9 Mar 2007 p. 894.]*

### 157. Summons of witness

(1) Each party that seeks to procure the attendance of a witness to give evidence or produce documents may do so by means of a witness summons issued by the mining registrar in the form of Form 37 and served personally on the witness.

(2) For the purposes of subregulation (1), a witness summons is served personally on a witness if it is served in accordance with regulation 150AB(1).

(3) A witness who attends in answer to a summons shall be entitled to —

(a) an amount that is likely to be sufficient to meet the reasonable expenses of attending before the warden; or

(b) arrangements to enable the witness to attend before the warden; or

(c) the means to enable the witness to attend before the warden.

(4) A witness is not required to attend unless at the time of the service of the summons subregulation (3) has been complied with.

(5) The warden may set aside a witness summons issued under subregulation (1) if the warden is satisfied that —

(a) the witness does not have any evidence to give or any document to produce that is relevant to the hearing; or

(b) the witness cannot be lawfully compelled to give any evidence or produce any document at the hearing; or

(c) there are reasonable grounds for doing so.

*[Regulation 157 inserted: Gazette 9 Mar 2007 p. 894-5; amended: Gazette 15 Jan 2010 p. 118; 9 Nov 2012 p. 5415.]*

### 158. Time for service of summonses

(1) A witness summons shall be served not less than 30 days before the date fixed for the relevant hearing.

(2) Where a witness summons has not been served within the prescribed time, the party seeking to rely on the witness summons may apply in writing to the warden to fix a new date for the hearing and issue an amended witness summons.

(3) On an application under subregulation (2), the warden may fix a new date for the hearing and issue an amended witness summons.

*[Regulation 158 inserted: Gazette 9 Mar 2007 p. 895; amended: Gazette 9 Nov 2012 p. 5416.]*

### 159. Content of affidavit

(1) Except as provided in subregulation (2), an affidavit lodged in proceedings before the warden shall be confined to facts to which the person making the affidavit is able to depose from his or her own knowledge.

(2) An affidavit may contain statements based on information received by the person making the affidavit, and believed by that person to be true, if the affidavit also contains —

(a) the sources of the information; and

(b) the grounds for believing that the information is true.

(3) Any addition, alteration or erasure in an affidavit shall be initialled by the person making the affidavit and the person before whom the affidavit was sworn or affirmed.

*[Regulation 159 inserted: Gazette 9 Mar 2007 p. 895-6.]*

### 160. Production of documents before hearing

(1) Where a witness summons requires a person to produce documents, but does not require the person to give evidence, at a hearing the person may, instead of producing the documents at

the hearing, lodge them, together with a list of the documents, at least 7 days before the first day of the hearing.

(2) When documents are lodged together with a list of the documents under subregulation (1), the mining registrar shall endorse on the list that the mining registrar has received all of the documents specified on the list and return a copy of the endorsed list to the person lodging the documents.

(3) The mining registrar may, in accordance with any directions of the warden, permit a party to inspect documents lodged by another party under subregulation (1).

*[Regulation 160 inserted: Gazette 9 Mar 2007 p. 896; amended: Gazette 18 Mar 2011 p. 924.]*

### 161. Directions for expert witnesses

(1) A party shall not adduce expert evidence at a hearing except in accordance with directions given by the warden.

(2) If the warden directs a party to lodge and serve a statement of an expert witness, the statement shall set out, or be accompanied by a document setting out —

(a) the full name of the expert; and

(b) details of the expert's qualifications to give the evidence; and

(c) to the extent practicable, details of any material on which the expert has relied in reaching his or her opinion.

*[Regulation 161 inserted: Gazette 9 Mar 2007 p. 897.]*

### 162. Party may adduce affidavit evidence

(1) A party may, if the another party does not object, adduce the evidence of a witness at a hearing by tendering an affidavit of the witness.

(2) A party wishing to adduce affidavit evidence under subregulation (1) shall lodge and serve the affidavit at least 14 days before the first day of the hearing.

(3) The affidavit may be tendered in the absence of the deponent unless an objection is lodged under subregulation (4).

(4) A party served with a copy of the affidavit may, within 7 days after that service, lodge a written objection to the affidavit being tendered in the absence of the deponent.

*[Regulation 162 inserted: Gazette 9 Mar 2007 p. 897.]*

### 163. Records of evidence

(1) A warden shall ensure that evidence given in proceedings is recorded electronically or by written transcript.

(2) Any party to any proceedings in which the evidence of a witness in which evidence has been recorded in accordance with this regulation is entitled to obtain a copy of that evidence in the form of a written transcript upon payment of the fee set out in Schedule 2.

(3) Each determination of a warden, and the reasons for the determination, shall be reduced to writing, and signed by the warden, and shall be recorded in a register kept for the purpose.

(4) Any person may obtain a copy of the determination referred to in subregulation (3) upon payment of the fee prescribed in Schedule 2.

*[Regulation 163 inserted: Gazette 9 Mar 2007 p. 898; amended: Gazette 15 Jan 2010 p. 136.]*

### 164. Return of documents and other things after hearing

(1) If a thing tendered at a hearing is retained by the warden without being received into evidence, a person who was lawfully entitled to the possession of the thing before it was

tendered is not entitled to the return of that thing until the publication of the warden's determination.

(2) If a thing is received into evidence at a hearing, a person who was lawfully entitled to the possession of the thing before it was received is not entitled to the return of that thing —

(a) if no appeal against a determination of the warden is made, until 21 days after the day on which the determination is given; or

(b) if an appeal against the determination of the warden is lodged, until the appeal has been dealt with.

(3) The mining registrar shall give written notice to a person of the person's entitlement to the return of a thing under subregulation (1) or (2).

(4) The notice shall be given as soon as practicable after the entitlement arises.

(5) If the person does not take possession of the thing within 30 days after the person receives the notice, the mining registrar may dispose of the thing as the mining registrar thinks fit.

(6) A document produced at a hearing but not tendered as an exhibit shall, in accordance with the directions of the warden, be returned to the party that produced the document.

*[Regulation 164 inserted: Gazette 9 Mar 2007 p. 898-9; amended: Gazette 9 Nov 2012 p. 5416-17.]*

## Division 8 — Costs

*[Heading inserted: Gazette 9 Mar 2007 p. 899.]*

### 165. Costs

(1) Except as ordered under this regulation, regulation 139 or 142, each party is to bear the party's own costs.

(2) In addition to the power to award costs under regulations 139 and 142, a warden hearing and determining proceedings under

Division 2, including interlocutory applications related to those proceedings, may make an order for a party's costs to be paid by another party.

(3) One order under subregulation (2) may be made in relation to 2 or more proceedings heard and determined on the same occasion under Division 2 even if those proceedings are not joined.

(4) Subject to subregulation (6) and in addition to the power to award costs under regulation 139, a warden hearing and determining proceedings under Division 3 may make an order for costs against a party if the warden is satisfied that the party —

(a) frivolously or vexatiously commenced or defended the proceedings, or any step in the proceedings; or

(b) otherwise occasioned undue delay in the proceedings.

(5) One order under subregulation (4) may be made in relation to 2 or more proceedings heard and determined on the same occasion under Division 3 even if those proceedings are not joined.

(6) If a warden makes an order for the payment of costs, those costs shall be in accordance with the scale of costs set out in Schedule 4.

(7) The *Magistrates Court (Civil Proceedings) Rules 2005* Part 15 Division 1 apply in relation to proceedings with the necessary modifications and, in particular, references in those rules —

(a) to a case are to be read as references to proceedings under this Division; and

(b) to the court are to be read as references to the warden; and

(c) to the registrar are to be read as references to the mining registrar; and

(d) to a judgment are to be read as references to a determination of the warden under this Division; and

(e) to an approved form are to be read as references to a written form; and

(f) to court and bailiff fees are to be read as references to fees prescribed in Schedule 2 item 22.

*[Regulation 165 inserted: Gazette 9 Mar 2007 p. 899-901; amended: Gazette 15 Jan 2010 p. 136; 24 Jun 2011 p. 2511-12.]*

### 166. Warden's review of decisions of mining registrar

(1) A person dissatisfied by an assessment of costs made by a mining registrar may apply to the warden for a review of the assessment.

(2) The application must be made within 21 days after the date of the mining registrar's assessment and be conducted as if it were an interlocutory application under this Part.

(3) On a review the warden may —

(a) affirm the mining registrar's assessment; or

(b) vary the mining registrar's assessment; or

(c) set aside the mining registrar's assessment and substitute his or her own assessment.

*[Regulation 166 inserted: Gazette 9 Mar 2007 p. 901.]*

### 167. Security for costs

(1) A warden may, on application made by a respondent in proceedings under Division 2, order an applicant in the proceedings to give security for costs.

(2) If an order is made under subregulation (1), moneys comprising the security are to be paid to the Director General of Mines who shall hold the money and disburse it in accordance with any order of the warden.

*[Regulation 167 inserted: Gazette 9 Mar 2007 p. 901.]*

**168. Recovery of costs**

(1) A person to whom costs are to be paid under a determination of the warden under this Part may enforce it by lodging a certificate of the assessment of the costs given by the mining registrar, and an affidavit stating to what extent it has not been complied with, with a court of competent jurisdiction.

(2) A certificate that is lodged with a court under subregulation (1) shall be taken to be a judgment of that court and may be enforced accordingly.

*[Regulation 168 inserted: Gazette 9 Mar 2007 p. 901-2.]*

## Division 8A — Representation of parties

*[Heading inserted: SL 2020/119 r. 10.]*

**168A. Representation**

(1) A party who is an individual may —

(a) appear in person; or

(b) be represented by a legal practitioner; or

(c) be represented by a person who is not a legal practitioner —

(i) at a mention hearing; or

(ii) with the leave of the warden given under regulation 168C — at any other hearing.

(2) A party that is a body corporate may —

(a) be represented by —

(i) one of its officers; or

(ii) one of its employees who has written authority from one of its officers to represent the body corporate;

or

(b) be represented by a legal practitioner; or

(c) be represented by a person who is not a legal practitioner —

(i) at a mention hearing; or

(ii) with the leave of the warden given under regulation 168C — at any other hearing.

(3) Subregulations (1)(b) and (c)(i) and (2)(b) and (c)(i) are subject to regulation 168B.

(4) This regulation does not affect the operation of regulation 155 or 156.

*[Regulation 168A inserted: SL 2020/119 r. 10; amended: SL 2022/118 r. 7.]*

### 168B. Notice of representation

(1) This regulation applies if —

(a) a party is represented by a legal practitioner; or

(b) a party is represented by an agent at a mention hearing under regulation 168A(1)(c)(i) or (2)(c)(i).

(2) The party must lodge and serve notice of that representation as soon as practicable before the first hearing at which the legal practitioner or agent will represent the party.

(3) If there is a change in that representation, the party must lodge and serve notice of that change as soon as practicable before the first hearing at which the new legal practitioner or agent will represent the party.

(4) If a party that has lodged and served a notice under subregulation (2) or (3) is no longer represented by a legal practitioner or an agent, the party must lodge and serve notice of that fact as soon as practicable before the first hearing at which

the party will not be represented by a legal practitioner or an agent.

(5) A notice under this regulation must be in the form approved by the Director General of Mines.

*[Regulation 168B inserted: SL 2020/119 r. 10; amended: SL 2022/118 r. 7.]*

### 168C. Leave to be represented by agent

(1) A party may apply to the warden for leave to be represented by an agent at a hearing other than a mention hearing if exceptional circumstances exist.

(2) An application under subregulation (1) must —

(a) be in writing; and

(b) specify the exceptional circumstances that exist; and

(c) specify the agent intended to represent the party; and

(d) be lodged and served by the party at least 14 days before the first hearing at which it is intended the agent will represent the party.

(3) The warden may give a party that makes an application under subregulation (1) leave to be represented by the agent specified in the application if the warden is satisfied that exceptional circumstances exist.

(4) If the warden gives a party leave to be represented by an agent, the party must lodge and serve notice of that representation as soon as practicable before the first hearing at which the agent will represent the party.

(5) If, after the warden gives a party leave to be represented by an agent, there is a change in the agent, the party must obtain the leave of the warden in respect of the new agent and this regulation applies accordingly.

(6) If a party that has been given leave by the warden to be represented by an agent is no longer represented by an agent, the party must lodge and serve notice of that fact as soon as practicable before the first hearing at which the party will not be represented by an agent.

(7) A notice under subregulation (4) or (6) must be in the form approved by the Director General of Mines.

*[Regulation 168C inserted: SL 2020/119 r. 10.]*

## Division 9 — Miscellaneous

*[Heading inserted: Gazette 9 Mar 2007 p. 902.]*

*[**169.** Deleted: SL 2020/119 r. 11.]*

### 170. Warden may act on own initiative

(1) A warden hearing proceedings may exercise his or her powers on the application of a party or on his or her own initiative unless the Act or these regulations or another written law provides otherwise.

(2) A warden may make an order or give a direction on his or her own initiative with or without —

(a) allowing any of the parties to make submissions; or

(b) hearing the parties.

(3) If a warden decides to allow any party to make submissions before making an order on his or her own initiative, the warden shall notify each party likely to be affected by the order of how and when the submissions are to be made.

(4) If the warden decides to hear any party before making an order on his or her own initiative, the warden shall notify each party likely to be affected by the order of the time and place of the hearing.

*[Regulation 170 inserted: Gazette 9 Mar 2007 p. 902-3.]*

### 171. Practice directions

The Chief Magistrate from time to time may issue, amend or cancel practice directions.

*[Regulation 171 inserted: Gazette 9 Mar 2007 p. 903.]*

### 172. Application of Act s. 142 and 146

Sections 142 and 146 apply in relation to proceedings and, for that purpose, references in those sections —

(a) to proceedings in the warden's court are to be taken to include references to proceedings under this Part; and

(b) to the warden's court are to be taken to include references to the warden.

*[Regulation 172 inserted: Gazette 9 Mar 2007 p. 903.]*

### 173. Copy of determination

(1) When a determination of any proceedings has been made by a warden, a determination in the form of Form 38 may be signed by the warden or mining registrar.

(2) A copy of the determination shall, on payment of the prescribed fee, be delivered to any person applying for it.

*[Regulation 173 inserted: Gazette 9 Mar 2007 p. 903; amended: Gazette 15 Jan 2010 p. 118.]*

### 174. Offences

A person who —

(a) having been served with a summons to attend before the warden, fails without reasonable excuse to attend in obedience to the summons; or

(b) having been served with a summons to produce before the warden any document, fails without reasonable excuse to comply with the summons; or

(c) misbehaves before the warden, wilfully insults the warden, or wilfully interrupts proceedings before the warden; or

(d) makes, before the warden, a statement that —

(i) the person knows, or ought to know, is false or misleading in a material particular; or

(ii) omits anything without which the statement is, so far as the person knows or ought to know, misleading in a material particular;

or

(e) refuses to comply with a requirement of the warden under regulation 152(2)(c),

commits an offence.

Penalty: a fine of $10 000.

*[Regulation 174 inserted: Gazette 9 Mar 2007 p. 903-4.]*

# Part 9 — Transitional provisions for *Mining Amendment Regulations 2025*

*[Heading inserted: SL 2025/183 r. 18.]*

## 175. Terms used

In this Part —

***commencement day*** means the day on which the *Mining Amendment Regulations 2025* regulation 10 comes into operation;

***transitional application*** means an application for a mining tenement that is pending immediately before commencement day;

***transitional holder*** means a holder of a mining tenement —

(a) to whom the tenement or an interest in the tenement was transferred under Part V Division 4 if the transfer form was executed before commencement day; or

(b) on whom the tenement or an interest in the tenement devolved as described in regulation 102 if the form lodged in relation to the devolution was completed before commencement day; or

(c) who became a holder of the tenement before commencement day;

***transition period*** means the period of 12 months beginning on commencement day.

*[Regulation 175 inserted: SL 2025/183 r. 18.]*

## 176. Transitional applicants

(1) Subregulation (2) applies in relation to a transitional application if the applicant had, before commencement day, notified the Department of a person who is to be the applicant's designated tenement contact for the application.

(2) Regulation 89AC has effect, for the purposes of regulation 89AA(1), as if the person notified as described in subregulation (1), or the person most recently so notified, had been named in the relevant form as the applicant's designated tenement contact for the application.

*[Regulation 176 inserted: SL 2025/183 r. 18.]*

### 177. Transitional holders

(1) Subregulation (2) applies in relation to a transitional holder if the holder had, before commencement day, notified the Department of a person who is to be the holder's designated tenement contact for the tenement.

(2) Regulation 89AD has effect, for the purposes of regulation 89AA(2), as if the person notified as described in subregulation (1), or the person most recently so notified, had been nominated, in the form of Form 30 as the holder's designated tenement contact for the tenement.

*[Regulation 177 inserted: SL 2025/183 r. 18.]*

### 178. Compliance during transition period

(1) A person need not comply with regulation 84G(3) or 89AC(4) in relation to a transitional application during the transition period.

(2) If a transitional application is granted before the end of the transition period, the holder of the mining tenement need not comply with regulation 84G(3) or 89AD(3) in relation to the mining tenement during the transition period.

(3) A transitional holder need not comply with regulation 84G(3) or 89AD(3) in relation to the mining tenement during the transition period.

*[Regulation 178 inserted: SL 2025/183 r. 18.]*

### 179. Transitional applicants and holders to provide service address

(1) In this regulation —

***relevant form*** has the meaning given in regulation 84G(1).

(2) Subregulation (3) applies —

(a) in relation to a transitional application if, immediately before commencement day, there was no registered service address of the applicant; and

(b) to a transitional holder if, immediately before commencement day, there was no registered service address of the holder.

(3) The applicant or holder commits an offence if the applicant or holder fails, before the end of the transition period, to lodge a service address of the applicant or holder in the form of Form 30 or a relevant form.

*[Regulation 179 inserted: SL 2025/183 r. 18.]*

### 180. References to registered service address of transitional applicants and holders

(1) In this regulation —

***relevant provision*** means the following provisions of these regulations —

(a) regulation 111(1)(e);

(b) regulation 120H(b);

(c) regulation 120L(2)(b);

(d) regulation 120N(6).

(2) Subregulation (3) applies in relation to —

(a) an applicant for a mining tenement, if a transitional application has been made; and

(b) the holder of a mining tenement, if a transitional application is granted before the end of the transition period; and

(c) a transitional holder of a mining tenement.

(3) Despite the amendments to these regulations made by the *Mining Amendment Regulations 2025*, a reference in a relevant provision to the registered service address of an applicant for, or the holder of, a mining tenement is taken to be a reference to the last known place of abode or business of the applicant or holder until there is a registered service address of the applicant or holder.

*[Regulation 180 inserted: SL 2025/183 r. 18.]*

*[Schedule of forms deleted 15 Jan 2010 p. 118.]*

**Form 1**

# Schedule 1 — Forms

[r. 2]

*[Heading inserted: Gazette 15 Jan 2010 p. 118.]*

**Form 1 Miner's right**

Form 1
Western Australia
*Mining Act 1978*
(Sec. 40C Reg. 3)

MINER'S RIGHT

**MINER'S RIGHT**

NOT TRANSFERABLE

To whom Issued .....
.....

**Issued to** .....
(Name in full)

By whom Issued .....
.....
under the provisions of the *Mining Act 1978*.

Place of Issue .....

Date of Issue .....

Place of Issue .....

Date of Issue .....
..... Signature of Issuing Officer
..... Name of Issuing Officer
(note reverse)

Reverse of form

NOTE: This miner's right is issued under section 40C 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.

*[Form 1 inserted: Gazette 2 Oct 1987 p. 3822; amended: Gazette 15 Jan 2010 p. 119; 9 Nov 2012 p. 5417; 1 Feb 2013 p. 455.]*

## Form 1A Application for permit under section 40E

Form 1A

WESTERN AUSTRALIA
*Mining Act 1978*
(Sec. 40E Reg. 4D)

**APPLICATION FOR PERMIT UNDER SECTION 40E** No.

To: The Mining Registrar

| | | |
|---|---|---|
| (a) | Full name, address, telephone number and Miner's Right number of applicant(s) (maximum of 3 applicants) | (a) Applicant 1<br>Name: .....<br>Address: .....<br>.....<br>Telephone No.: .....<br>Miner's Right No.: .....<br>Applicant 2<br>Name: .....<br>Address: .....<br>.....<br>Telephone No.: .....<br>Miner's Right No.: .....<br>Applicant 3<br>Name: .....<br>Address: .....<br>.....<br>Telephone No.: .....<br>Miner's Right No.: ..... |
| (b) | Number of relevant exploration licence | (b) Exploration Licence No. ..... |
| (c) | Area of Crown land in respect of which permit sought (maximum of 10 blocks) | (c) |

**Form 1A**

| | | |
|---|---|---|
| (d) | Full name and address of holder of relevant exploration licence | (d) |
| (e) | Make, model and registration number of vehicle(s) to be used (including any caravan or trailer) | (e) |

DATED this day of 20

| | | |
|---|---|---|
| (f) | Signature of applicant(s) | (f) .....<br>Applicant 1<br>.....<br>Applicant 2<br>.....<br>Applicant 3 |

OFFICIAL USE

Received at .....a.m./p.m. on ..... 20.....

with fee of $ .....

.....
Mining Registrar

*[Form 1A inserted: Gazette 2 Feb 2001 p. 710-11; amended: Gazette 15 Jan 2010 p. 119; 9 Nov 2012 p. 5417-18; 1 Feb 2013 p. 455; 22 Dec 2017 p. 5992.]*

## Form 2 Application for permit to enter upon private land

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) .....

OFFICIAL USE

Received at .....a.m./p.m. on ..... 20.....

with fee of $ .....

.....
Mining Registrar

*[Form 2 amended: Gazette 15 Jan 2010 p. 119; 9 Nov 2012 p. 5419.]*

## Form 3 Permit to enter upon private land

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; and

(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 kg 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.

*[Form 3 amended: Gazette 2 Oct 1987 p. 3823; 15 Jan 2010 p. 119.]*

## Form 3A Claim for compensation and consent for an informal determination by the warden

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.**

| | | | |
|---|---|---|---|
| | | Details of land affected | |
| (a) | State whether pastoral lease, diversification lease, Crown grant or other designation | (a) | (b) |
| (b) | Number of lease lot, reserve etc. | (c) | |
| (c) | Name of property (if applicable) | | |
| | | Owner and Occupier | |
| (d) | Full name and address of owner of land | (d) | |
| (e) | Full name and address of occupier (if applicable) | (e) | |
| (f) | Brief details of loss or damage claimed | (f) | |
| (g) | Here state owner, or owner and occupier, or occupier (as applicable) | WE, the undersigned, being the (g) | |
| (h) | Full name of person liable for compensation | of the land referred to above and (h) | |
| (i) | Full address of person liable for compensation | of (i) | |
| | | 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) | |
| (j) | Signature of owner of land | (j) ..... | Received at ..... ..... on |
| (k) | Signature of occupier of land | (k) ..... | ..... |
| (l) | Signature of person liable for compensation | (l) ..... | ..... (Mining Registrar) |

(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 3A**

*[Form 3A inserted: Gazette 2 Oct 1987 p. 3823; amended: Gazette 15 Jan 2010 p. 119; SL 2023/127 r. 6.]*

## Form 4 Prospecting licence

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
for a term of 4 years commencing on the date of grant of the licence.

(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:

*[Form 4 amended: Gazette 13 Oct 1995 p. 4823; 15 Jan 2010 p. 120.]*

## Form 5 Operations report — expenditure on mining tenement

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:** ☐ **Final:** ☐

**Tenement Type:** _____ **Number:** _____/_____

**Reporting Period:** **From:** __/__/____ **To:** __/__/____

Itemise activities and expenditure on Attachment 1

**MINERAL-EXPLORATION AND/OR MINING ACTIVITIES**

| | | | |
|---|---|---|---|
| **A.** | **MINERAL-EXPLORATION ACTIVITIES:** | | $ |
| **B.** | **MINING ACTIVITIES:** | | $ |
| **C.** | **ABORIGINAL HERITAGE SURVEYS:** | | $ |
| **D.** | **ANNUAL TENEMENT RENT AND RATES:** | | $ |
| **E.** | **ADMINISTRATION/OVERHEADS:** | $ | |
| **F.** | **(OTHER) LAND ACCESS/NATIVE TITLE COSTS:** *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).* | $ | $ |
| | **TOTAL EXPENDITURE:** | | $ |

**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)** **$**

**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).**

## Form 5



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 2 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 moneys expended on this mining tenement during the reporting period specified.

Signature of holder or agent (if agent, full name and address of agent)

Date: / /

(Tick appropriate box and show expenditure. If more than one commodity sought, tick appropriate boxes and allocate expenditure for each one).

**MINERAL COMMODITY SOUGHT ON TENEMENT**

| | | | | | |
|---|---|---|---|---|---|
| ☐ | Gold | $ | ☐ | Diamond | $ |
| ☐ | Iron ore | $ | ☐ | Mineral Sands | $ |
| ☐ | Nickel/Cobalt | $ | ☐ | Other (specify) | $ |
| ☐ | 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.

**HEAD OF FFICE USE**

**This operations report received**

**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 at any mining registrar's office.

**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 2 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 2 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.)

**Costeaning:** 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. deleted]*

## Form 5



**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; and

(b) acquisition costs of tenements and associated expenses; and

(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 2 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 at any mining registrar's office.

**ADDRESS FOR SERVICE**

11. A tenement holder must include their full name (individual or company) and address. The address must be the holder's principal place of business or residence (not a postal address).

12. If an authorised agent is lodging the Form 5, the agent must include their address. The address must be the authorised agent's principal place of business (not a postal address).

**Form 5**

**ATTACHMENT 1**

## SUMMARY OF MINERAL EXPLORATION AND/OR MINING ACTIVITIES

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

**Tenement Type:** _____ **Number:** /

**Reporting Period:** **From:** / / **To:** / /

**A. Mineral-Exploration Activities**

**B. Mining Activities (Development and Production)**

Itemise as appropriate.

Use a separate sheet if necessary.

**C. Aboriginal Heritage Surveys**

**D. Annual Tenement Rent and Rates**

**E. Administration and Overheads**

**F. Land Access/Native Title**

**TOTAL EXPENDITURE** **$**

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

## Form 5

**ATTACHMENT 2**

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

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

**Tenement Type:** _____ **Tenement No:** /

**Reporting Period:** **From:** / / **To:** / /

**A. General Prospecting Activities**

**Metal Detecting:**
No. of days worked at $ $

**Loaming, panning, sampling, dollying, dry-blowing:**
No. of days worked at $ $

**Costeaning/trenching:**
No. excavated No. of days $

**Other activities (specify):**
_____ No. of days worked at $ $
_____ No. of days worked at $ $
_____ No. of days worked at $ $

**Plant and equipment hire:** $

**Fuel, oils, etc.:** $

**Field supplies (food consumables, etc.):** $

**SUBTOTAL (A)** $

**AND/OR**

**B. Small Scale Mining Activities**

**Construction:**
No. of days worked at $ $

**Development:**
No. of days worked at $ $

**Construction materials:** $

**Plant and equipment hire:** $

**Fuel, oils, etc.:** $

**Field supplies (food consumables, etc.):** $

**Tonnes of ore/rock/dirt mined or treated:**

**SUBTOTAL (B)** $

**Aboriginal Heritage Surveys:** **SUBTOTAL (C)** $

**Annual Tenement Rent and Rates:** **SUBTOTAL (D)** $

**Administration/Overheads/Native Title:** **SUBTOTAL (E)** $
(not to exceed 20% of the minimum expenditure commitment or total expenditure on the activities shown at subheadings (A) & (B), whichever is greater)

**TOTAL EXPENDITURE (add SUBTOTALS A to E)** $

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

**Form 5**

*[Form 5 inserted: Gazette 11 Jun 1999 p. 2546-51; amended: Gazette 15 Jan 2010 p. 120-1; 18 Mar 2011 p. 924-5; 9 Nov 2012 p. 5419; SL 2025/183 r. 19.]*

## Form 6 Exploration licence

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 | containing |
| | | (d) as described in the First Schedule |
| | | for a term of 5 years commencing on the date of grant of the licence. |
| (e) | Date Licence granted | (e) |
| (f) | Shire | (f) |
| | | subject to the provisions of the *Mining Act 1978* and to the conditions/endorsements as set out in the Second Schedule. |

.....
Minister

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 6 inserted: Gazette 31 May 1991 p. 2700-1; amended: Gazette 15 Jan 2010 p. 121; 13 Dec 2019 p. 4238.]*

## Form 7 Retention licence

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 *Mining Act 1978* 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.

.....
Minister

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***

*[Form 7 inserted: Gazette 24 Jun 1994 p. 2939; amended: Gazette 4 Apr 1997 p. 1780; 15 Jan 2010 p. 121; 13 Dec 2019 p. 4238.]*

## Form 8 Mining lease

| | |
|---|---|
| Form 8 | WESTERN AUSTRALIA |
| Instrument of Lease | *Mining Act 1978* (Sec. 116 Reg. 26) |

**MINING 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 the land more particularly delineated and described in the Second Schedule to this lease subject however to the exceptions and reservations if any set out in the Third 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 of 21 years commencing on the date set out in the Fourth Schedule to this lease upon and subject to such of the provisions of the *Mining Act 1978* as are applicable to mining 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* provided that the Minister may as he thinks fit impose on the Lessee a penalty as an alternative to forfeiture of this lease. The covenants and conditions hereinbefore referred to are that the Lessee shall —

1. pay the rents and royalties 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 only for mining purposes in accordance with the *Mining Act 1978*
3. comply with the prescribed expenditure conditions applicable to such land unless partial or total exemption therefrom is granted in such manner as is prescribed
4. not transfer or mortgage a legal interest in 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
5. lodge at any mining registrar's office such periodical reports and returns as may be prescribed
6. 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
7. 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
8. if any mineral is specified in the Fifth Schedule to this lease, be authorised by this lease to mine on or under or both and remove from the land the subject of this lease only the mineral so specified
9. duly and punctually perform and observe the further conditions or stipulations if any set out in the Sixth 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*
10. cause all holes, pits, trenches and other disturbances to the surface of the land and subject of this lease made whilst mining and which in the opinion of an environmental officer are likely to

endanger the safety of any person or animal to be filled in or otherwise made safe to the satisfaction of the environmental officer.

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.

**THIRD SCHEDULE**

All petroleum as defined in the *Petroleum, Geothermal Energy and Greenhouse Gas Storage 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 of .....20.....

MINISTER

*[Form 8 amended: Gazette 2 Oct 1987 p. 3828; 3 Feb 2006 p. 524 and 602; 15 Jan 2010 p. 121; 18 Mar 2011 p. 925; SL 2026/82 r. 4.]*

## Form 9 Application for extension of term/renewal of a mining tenement

Form 9

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

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

No.

| | | Details of mining tenement |
|---|---|---|
| (a) | Type of Tenement | (a) |
| (b) | Number | (b) |
| (c) | Mineral Field | (c) |
| (d) | Expiry date | (d) |

| | | Holder |
|---|---|---|
| (e) | Full name and address of holder(s) | (e) |

THE HOLDER of the abovementioned mining tenement hereby applies for extension/renewal of the mining tenement.

DATED THIS day of 20

(f) Signature of holder or agent — Signed (f):.....

(g) If agent, full name and address of agent — Full name (g):.....
Address (g):.....

OFFICIAL USE

Received at.....am/pm on..... 20.....

.....
Mining Registrar

NOTES: 1. Reporting obligations under the regulations must be complied with to enable consideration of this application.

2. If this application is for an extension of a prospecting licence or an exploration licence, or a renewal of a retention licence, any information or other material required by regulation 16B(2), 23A(2) or 23F(2) (whichever applies) must be lodged before the end of the period of 14 days from the day on which this application is lodged.

3. The holder must include their full name (individual or company) and address. The address must be the holder's principal place of business or residence (not a postal address).

4. If an agent of the holder is submitting this application, the agent must include their address. The address must be the agent's principal place of business (not a postal address).

*[Form 9 inserted: Gazette 13 Dec 2019 p. 4238-9; amended: SL 2025/183 r. 20.]*

## Form 10 General purpose lease

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 transfer or mortgage a legal interest in 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 at any mining registrar's office 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.

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.

**FOURTH SCHEDULE**

All petroleum as defined in the *Petroleum, Geothermal Energy and Greenhouse Gas Storage 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 of .....20.....

MINISTER

**Form 10**

*[Form 10 amended: Gazette 2 Oct 1987 p. 3830 and 3837; 3 Feb 2006 p. 524; 15 Jan 2010 p. 122; 18 Mar 2011 p. 925; SL 2026/82 r. 5.]*

## Form 11 Miscellaneous licence

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 *Mining Act 1978* 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 |
| | | containing approximately |
| (e) | Area | (e) hectares |
| | | for a term of 21 years commencing on the date of grant of the licence |
| (f) | Date Licence granted | (f) |
| (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:

*[Form 11 inserted: Gazette 2 Oct 1987 p. 3830-1; amended: Gazette 1 Aug 2008 p. 3456; 15 Jan 2010 p. 122.]*

## Form 12 Surrender

Form 12

WESTERN AUSTRALIA
*Mining Act 1978*
(Sec. 95 Reg. 43)

**SURRENDER**

| | |
|---|---|
| (a) Type<br>(b) Number<br>(c) Mineral Field | **Details of Mining Tenement**<br>(a) (b)<br>(c) |
| (d) Full name and address of each holder | **Holder**<br>(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

| | | | |
|---|---|---|---|
| | **Holders sign here** | in the presence of | **Witnesses sign here** |
| (e) Signature of holder | (e) ..... | (f) | ..... |
| (f) Signature, full name and address of witness | ..... | | ..... |
| | ..... | | ..... |
| | ..... | | ..... |
| | ..... | | ..... |

| | |
|---|---|
| LODGING PARTY<br>(g) Full name and address (for return of documents) | (g) |

**Form 12**

OFFICIAL USE

Received at .....a.m./p.m. on ..... 20.....

.....
Mining Registrar

NOTE: The address for return of documents must be the holder's principal place of business (or their agent's) or residence (not a postal address).

*[Form 12 amended: Gazette 2 Oct 1987 p. 3831; 15 Jan 2010 p. 122; 9 Nov 2012 p. 5421-2; SL 2025/183 r. 21.]*

## Form 13 Notice of re-marking

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) | Type | (a) (b) |
| (b) | Number | |
| (c) | Mineral Field | (c) |
| | | **Holder** |
| (d) | Full name and address of holder | (d) |

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) | Describe boundaries of retained portion | (e) |
| (f) | Area of retained portion | (f) |
| (g) | Date and time of re-marking | (g) |
| (h) | Signature of holder | (h) ..... |

NOTE: The holder must include their full name (individual or company) and address. The address must be the holder's principal place of business or residence (not a postal address).

*[Form 13 amended: Gazette 15 Jan 2010 p. 122; SL 2025/183 r. 22.]*

## Form 14 Partial surrender

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.)

Details of Mining Tenement

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

(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/km$^2$ or number of blocks

DATED this day of 20

(f) Signature of holder

(g) Signature, full name and address 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)

**Form 14**

OFFICIAL USE

Received at .....a.m./p.m. on ..... 20.....

with fee of $ .....

.....
Mining Registrar

NOTE: The address for return of documents must be the holder's principal place of business (or their agent's) or residence (not a postal address).

*[Form 14 inserted: Gazette 31 May 1991 p. 2701-2; amended: Gazette 15 Jan 2010 p. 123; 9 Nov 2012 p. 5422-3; SL 2025/183 r. 23.]*

## Form 15 Application for forfeiture under section 96(1)(a)

Form 15 WESTERN AUSTRALIA
*Mining Act 1978*
(Sec. 96 Reg. 49)

**APPLICATION FOR FORFEITURE UNDER SECTION 96(1)(a)**

To the Warden,

Mineral Field

Application is made for forfeiture of the mining tenement/s referred to in Column 1 hereunder for the breach of condition stated opposite in Column 2 or 3 —

| Column 1 | Column 2 | | Column 3 |
|---|---|---|---|
| Mining Tenement | Failure to pay rental | | Other Breach |
| | Amount | Date Due | |
| | | | |

DATED this day of 20

.....
Mining Registrar

To the Mining Registrar,

The date on which I intend to hear an application for forfeiture is
...../...../.....

In accordance with regulation 49 of the *Mining Regulations 1981* —

(a) notify the holder

(b) notify any registered mortgagee

(c) post a notice on your notice board

(d) publish a notice in the *Government Gazette*

.....
Warden

*[Form 15 amended: Gazette 9 Mar 2007 p. 905; 15 Jan 2010 p. 123; SL 2025/183 r. 24.]*

## Form 16 Objection

| | | |
|---|---|---|
| Form 16 | | WESTERN AUSTRALIA<br>*Mining Act 1978*<br>(s. 42, 59, 70D, 75, 97A and r. 120A, 146) |
| | | **OBJECTION** No. |
| | | To: The Warden |
| (a) Mineral Field affected | (a) | Mineral Field..... |
| | | The undersigned objects to |
| (b) Insert particulars of the matter objected to and mining tenement application affected | (b) | for the following reasons — |
| (c) Set out grounds for objection | (c) | |
| (d) Particulars of objector: | (d) | |
| (i) Full name | (i) | |
| (ii) Residential or business address | (ii) | |
| (iii) Phone / Fax No. | (iii) | |
| (iv) Reference | (iv) | |
| (v) Registered native title body corporate whose land is included or partly included in or shares a common boundary with land the subject of a mining tenement application | Yes/No | |
| (vi) Proprietor of land included or partly included in or sharing a common boundary with land the subject of a mining tenement application | Yes/No | |
| (vii) Eligible individual | Yes/No | |

**Form 16**

| | | |
|---|---|---|
| (e) | Signature of objector/ legal practitioner/ authorised representative (see Notes 1 and 1A) | DATED this ..... day of ..... 20.....<br>(e) ..... |
| (f) | Address for service of objector/ legal practitioner | (f) |

OFFICIAL USE

THE MENTION HEARING FOR THE APPLICATION IS TO BE HEARD BEFORE THE WARDEN at .....on ..... day the ..... day of ..... 20..... at ..... a.m./p.m. (see Note 2).

Received at .....a.m./p.m. on ..... 20.....

.....
Mining Registrar

NOTES:

1. If this form is signed by a person who is an employee of the objector, the person must state the person's full name and the position in which the person is employed.

1A. If this form is signed by an agent of the objector, the agent must state the agent's full name.

2. A "mention hearing" is an initial hearing where the warden may give directions to the parties, set a hearing date and/or adjourn to a further mention hearing. A party who does not wish to attend in person or by legal practitioner or agent on the nominated mention hearing date must make written application not less than 7 days before the hearing. Costs may be awarded against a party for non-attendance.

*[Form 16 inserted: Gazette 9 Mar 2007 p. 905-6; amended: Gazette 15 Jan 2010 p. 123; 9 Nov 2012 p. 5423-4; SL 2020/119 r. 12; SL 2022/118 r. 7; SL 2024/183 r. 7.]*

*[Form 16A deleted: Gazette 4 Apr 1997 p. 1780.]*

## Form 17 Application for restoration

Form 17

WESTERN AUSTRALIA
*Mining Act 1978*
(s. 97A, Regs. 51, 51A)

**APPLICATION FOR RESTORATION** **No.**

| | | |
|---|---|---|
| | | Details of Mining Tenement |
| (a) | Type | (a) (b) |
| (b) | Number | |
| (c) | Mineral Field | (c) |
| | | Applicant |
| (d) | Full name and address of each 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) | | (g) |
| | | DATED this ..... day of ..... 20..... |
| (h) | Signature of applicant/ legal practitioner (see Note) | (h) ..... |
| (i) | Address for service | (i) ..... |
| | | ..... |
| | | Tel ..... Email ..... |
| | | Fax ..... Ref (if any) ..... |

OFFICIAL USE

A NOTICE OF OBJECTION to this application may be lodged at any mining registrar's office on or before the ..... day of ..... 20..... and the hearing will take place on the ..... day of ..... 20.....

Received at .....a.m./p.m. on ..... 20..... with fee of $..... together with the outstanding rent of $..... for the period ending ...../...../.....

.....
Mining Registrar

NOTES: 1. If this form is signed by a person who is an employee of the applicant, the person must state the person's full name and the position in which the person is employed.

2. The address for service must be the applicant's principal place of business or residence, or the legal practitioner's principal place of business (not a postal address).

*[Form 17 inserted: Gazette 2 Oct 1987 p. 3831-2; amended: Gazette 4 Apr 1997 p. 1780; 15 Jan 2010 p. 123; 18 Mar 2011 p. 925; 9 Nov 2012 p. 5424-5; SL 2022/118 r. 7; SL 2025/183 r. 25.]*

**Form 18**

## Form 18 Application for exemption

Form 18

WESTERN AUSTRALIA
*Mining Act 1978*
(s. 102, r. 54)

| Office Use |
| --- |
| |
| No. |

### APPLICATION FOR EXEMPTION

| | | |
| --- | --- | --- |
| | | Details of mining tenement/s |
| (a) | Type | (a) |
| (b) | Number | (b) |
| (c) | Mineral Field | (c) |

| | | |
| --- | --- | --- |
| | | Holder |
| (d) | Full name and address of each holder | (d) |

| | | |
| --- | --- | --- |
| | | Exemption details (for each tenement affected) |
| (e) | Amount of expenditure for which exemption is sought | (e) $ |
| (f) | Expiry date/s of period to which exemption relates | (f) |
| (g) | Reasons for application (include relevant paragraph/s of section 102(2) of the *Mining Act 1978* if applicable) (See Note 1) | (g) |

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

DATED this day of 20

(h) Signature of applicant/ legal practitioner/ agent (if agent, state full name and address) (h) .....

**Form 18**

(i) Address for service (i) .....

.....

Tel ..... Email .....

Fax ..... Ref (if any) .....

OFFICIAL USE

A NOTICE OF OBJECTION may be lodged at any mining registrar's office on or before the ..... day of ..... 20..... and the hearing will take place on the ..... day of ..... 20.....

Received at .....a.m./p.m. on ..... 20.....

with fee of $ .....

.....
Mining Registrar

NOTE: The address for service must be the holder's principal place of business or residence, or their legal practitioner or agent's principal place of business (not a postal address).

*[Form 18 inserted: Gazette 17 Jan 2003 p. 107-8; amended: Gazette 3 Feb 2006 p. 603; 15 Jan 2010 p. 123; 18 Mar 2011 p. 925; 9 Nov 2012 p. 5426-7; SL 2020/108 r. 8; SL 2022/118 r. 7; SL 2025/183 r. 26.]*

## Form 19 Certificate of exemption

Form 19

WESTERN AUSTRALIA
*Mining Act 1978*
(s. 102 and 102A, r. 58)
**CERTIFICATE OF EXEMPTION**

No.

This is to certify that the holder of —

(a) Type of tenement/s Number/s and Mineral Field — (a)

has been granted exemption from expenditure under section/s —

(b) Section/s of the *Mining Act 1978* under which exemption granted — (b)

in the amount/s of —

(c) Amount of expenditure (for each mining tenement affected) — (c) ($)

for the above mining tenement/s during the year/s of the term of the tenement/s ending on —

(d) Expiry date/s of year/s to which exemption relates — (d)

DATED this day of 20

..... Minister

*[Form 19 inserted: Gazette 17 Jan 2003 p. 108-9; amended: Gazette 15 Jan 2010 p. 124; 13 Dec 2019 p. 4239.]*

## Form 20 Notice of marking out

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 ground being applied for (this description is to be identical to that included in Form 21 — APPLICATION FOR A MINING TENEMENT — when lodged) —

| | | |
|---|---|---|
| (c) | Locality | (c) |
| (d) | Datum peg | (d) |
| (e) | Description of boundaries | (e) |
| (f) | Area (hectares) | (f) |

Marking out was completed by fixing this notice to the Datum Post at

| | | |
|---|---|---|
| (g) | Time and date marking out completed | (g) m. on the day of 20 |
| (h) | Signature of applicant or agent (if agent, full name and address) | (h) |

NOTES:
1. The applicant must include their full name (individual or company) and address. The address must be the applicant's principal place of business or residence (not a postal address).
2. If an agent of the applicant is submitting this notice, the agent must include their address. The address must be the agent's principal place of business (not a postal address).

**Form 20**

*[Form 20 amended: Gazette 2 Oct 1987 p. 3833; 15 Jan 2010 p. 124; 9 Nov 2012 p. 5427-8; SL 2025/183 r. 27.]*

## Form 21 Application for mining tenement

FORM 21

WESTERN AUSTRALIA
*Mining Act 1978*
(s. 41, 58, 70C, 74, 86, 91, r. 64)

### APPLICATION FOR MINING TENEMENT

| | | |
|---|---|---|
| TENEMENT DETAILS: | | |
| (a) Type of tenement | (a) | No…..…/…..… |
| (b) Time & Date marked out (if applicable) | | |
| (c) Mineral Field | (b) am/pm / / | (c) |
| DESCRIPTION OF GROUND APPLIED FOR: | (d) | |
| (For Exploration Licences see Note 1 | (e) | |
| For other Licences see Note 2 | (f) | |
| For all Licences see Note 3) | | |
| (d) Locality | | |
| (e) Datum Peg | | |
| (f) Boundaries | | |
| (g) Area (ha or $km^2$) | (g) | |
| Additional information to be provided in an attachment | | |
| (See Note 4) | | |

| APPLICANT(S) DETAILS (FOR EACH APPLICANT) (see Note 5): | (h), (i), (j) & (k) | (l) | (m) Shares |
|---|---|---|---|
| (h) Full name | | | |
| (i) ACN/ABN (if applicable) | | | |
| (j) Service address | | | |

## Form 21

| | | | |
|---|---|---|---|
| (k) Optional information (email address, telephone) | | | |
| (l) Designated Tenement Contact (see Note 6)<br>(i) Full name<br>(ii) Postal address (Street/Post Box/Locked Bag, Suburb, State, Postcode, Country)<br>(iii) Email address<br>(iv) Optional information (telephone) | | | |
| (m) No. of shares | | | |
| (n) Total No. of shares | | | (n) Total |

(o) Signature of applicant or agent (if agent, state full name and address) (o) Date

OFFICIAL USE

A NOTICE OF OBJECTION may be lodged at any mining registrar's office on or before the ..... day of ..... 20..... (see Note 7).

If an objection to this application is lodged the hearing will take place on a date to be set.

Received at ..... am/pm on ..... 20..... with fees of —

| | |
|---|---|
| Application | $..... |
| Rent | $..... |
| TOTAL | $..... |

Mining Registrar

**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 (d), (e), (f) and (g) 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:** ADDITIONAL INFORMATION

An applicant may provide any relevant additional information they wish to provide in respect of this application in an attachment (e.g. that the application is for a special prospecting licence or is the conversion of an existing title, or the effect of the application on private property).

**Note 5:** APPLICANT(S) DETAILS

Each applicant must include their full name (individual or company) and service address. The *Mining Regulations 1981* regulation 84A(1) defines ***service address***.

**Note 6:** DESIGNATED TENEMENT CONTACT

Each applicant must include the full name (individual or company), postal address and email address of the applicant's designated tenement contact for the application, to be used for correspondence. Each applicant may only have 1 designated tenement contact for the application (although multiple applicants may have the same designated tenement contact) and may nominate themselves as the designated tenement contact.

**Note 7:** ALL APPLICATIONS OVER PRIVATE LAND

The period for lodgment 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
*Mining Act 1978* **FORM 21 — ATTACHMENT 1**
s. 58, r. 64

EXPLORATION LICENCE NO...../.....

THIS SECTION MUST BE COMPLETED IN FULL FOR ALL EXPLORATION LICENCE APPLICATIONS

LOCALITY: ..... INDICATE BLOCKS APPLIED FOR: ☒

BLOCK IDENTIFIER (All 3 sections must be completed)

| 1:1 000 000 PLAN NAME | PRIMARY NUMBER | GRATICULAR SECTION | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | All | a | b | c | d | e | f | g | h | 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 | 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 | 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 | 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 | 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 | 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 | 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 | 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 | 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 | 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 | j | k | l | m | n | o | p | q | r | s | t | u | v | w | x | y | z |

**Form 21**

| | | All | a | b | c | d | e | f | g | h | 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 | 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 | 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 | 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 | 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 | 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 | 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 | 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 | 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 | 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 | 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 | 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 | 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 | j | k | l | m | n | o | p | q | r | s | t | u | v | w | x | y | z |
| TOTAL BLOCKS: | | | | | | | | | | | | | | | | | | | | | | | | | | | |

**Form 21**

WESTERN AUSTRALIA
*Mining Act 1978* **FORM 21 — ATTACHMENT 2**
r. 58, r. 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

(ii) Indicate Primary Number(s) e.g. PRIMARY No. 318

(iii) Indicate Graticular Section e.g. ☒

(iv) Outline external boundaries of licence applied for.

1:1 000 000 PLAN NAME(S)

1:1 000 000 PLAN NAME(S)

**Form 21**

*[Form 21 inserted: SL 2025/183 r. 28.]*

*[Form 21A deleted: Gazette 31 May 1991 p. 2705.]*

## Form 22 Withdrawal

Form 22

WESTERN AUSTRALIA
*Mining Act 1978*
(Reg. 69)

**WITHDRAWAL**

| | | |
|---|---|---|
| | | **Details of Mining Tenement application** |
| (a) | Type | (a) (b) |
| (b) | Number | |
| (c) | Mineral Field | (c) |
| | | **Applicant** |
| (d) | Full name and address of each applicant | (d) |

THE APPLICANT hereby applies to WITHDRAW the abovementioned application.

DATED this day of 20

**Applicants sign here** in the presence of **Witnesses sign here**

| | | | |
|---|---|---|---|
| (e) | Signature of applicant | (e) ..... | (f) ..... |
| | | ..... | ..... |
| (f) | Signature, full name and address of witnesses | ..... | ..... |
| | | ..... | ..... |

LODGING PARTY

| | | |
|---|---|---|
| (g) | Full name and address (for return of documents) | (g) |

OFFICIAL USE

Received at .....a.m./p.m. on ..... 20

.....
Mining Registrar

**Form 22**

NOTE: The address for return of documents must be the applicant's principal place of business (or their agent's) or residence (not a postal address).

*[Form 22 amended: Gazette 2 Oct 1987 p. 3835; 15 Jan 2010 p. 125; 9 Nov 2012 p. 5429-30; SL 2025/183 r. 29.]*

## Form 23 Transfer

Form 23

**WESTERN AUSTRALIA**
*Mining Act 1978*
(r. 75, 81, 84)

**TRANSFER** No.

| | | |
|---|---|---|
| INTEREST BEING TRANSFERRED<br>(a) Type of tenement<br>(b) Number<br>(c) Mineral Field<br>(d) Number of shares | Details of Mining Tenement<br>(a)<br>(b)<br>(c)<br>(d) | |
| TRANSFEROR<br>(e) Full name<br>(f) ACN/ABN (if applicable)<br>(g) Service address | (e), (f) & (g) | |
| CONSIDERATION<br>(h) In words (see Note 1) | (h) | |
| TRANSFEREE (see Note 2)<br>(i) Full name<br>(j) ACN/ABN (if applicable)<br>(k) Service address<br>(l) Optional information (email address, telephone)<br>(m) Designated Tenement Contact (see Note 3)<br>(i) Full name<br>(ii) Postal address (Street/Post Box/Locked Bag, Suburb, State, Postcode, Country)<br>(iii) Email address<br>(iv) Optional information (telephone) | (i), (j), (k) & (l) | (m) |

## Form 23

| | |
|---|---|
| (n) Mortgage number and Mortgagee or "NIL" (see Note 4) | (n) |

THE TRANSFEROR, for the consideration expressed, TRANSFERS TO THE TRANSFEREE the interest specified in the mining tenement, and the TRANSFEREE accepts the interest subject to any mortgage as shown and to all terms and conditions under which it is now held.

(See Note 5)

DATED this day of 20

| | **TRANSFERORS sign here** | **TRANSFEREES sign here** |
|---|---|---|
| (o) Signature of transferor | Signed (o) | Signed (p) |
| (p) Signature of transferee | | |
| (q) Signature of witnesses (include full name and address) | In the presence of (q) (name and address) | In the presence of (q) (name and address) |
| | Signed (o) | Signed (p) |
| | In the presence of (q) (name and address) | In the presence of (q) (name and address) |
| | Signed (o) | Signed (p) |
| | In the presence of (q) (name and address) | In the presence of (q) (name and address) |

| | |
|---|---|
| LODGING PARTY<br>(r) Full name and address (for return of documents) | (r) |

OFFICIAL USE

Received at .....am/pm on ..... 20.....

with fee of $ .....

.....
Mining Registrar

Notes:

1. If the duty shown on the transfer is not in respect of the full amount of the consideration stated then the documents indicating the full duty must accompany the transfer.
2. Each transferee must include their full name (individual or company) and service address. The *Mining Regulations 1981* regulation 84A(1) defines ***service address***.
3. Each transferee must include the full name (individual or company), postal address and email address of the transferee's designated tenement contact for the tenement, to be used for correspondence. Each transferee may only have 1 designated tenement contact for the tenement (although multiple transferees may have the same designated tenement contact) and may nominate themselves as the designated tenement contact.
4. If a mortgage is registered with the Department 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.
5. If section 122A(1)(b) of the Act applies, insert "THE TRANSFEROR and THE TRANSFEREE acknowledge that this transfer is subject to the interest claimed by the caveator in caveat no." and the relevant caveat number.

*[Form 23 inserted: SL 2025/183 r. 30.]*

## Form 24 Caveat

Form 24

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

**CAVEAT** No.

Details of Mining Tenement

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

Interest being caveated

(d) Specify "the whole" or the number of shares being caveated — (d)

(e) Full name of holder of shares being caveated — (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)

*See Note 2

and whilst this caveat remains in force FORBIDS the registration of any transfer or other instrument affecting such tenement or interest* and appoints

(h) Address within the State for service of notices — (h)

as the place at which notices and proceedings relating to this caveat may be served

DATED this day of 20

Caveator or agent signs here

(i) Signature of caveator — Signed (i).....

(j) If agent, full name and address required — Signed (agent) (j).....
Full name.....
Address.....

Witness signs here

(k) Signature of witness (full name and address required) — in the presence of (k).....
Full name.....
Address.....

**Form 24**

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

OFFICIAL USE

Received at .....a.m./p.m. on ..... 20.....
with fee of $ .....

.....
Mining Registrar

Notes: 1. If the caveat is lodged pursuant to section 122A(2) of the Act the term of the caveat (if any) must be stated and a copy of the agreement attached.

2. If the caveat is lodged pursuant to section 122A(1)(b) of the Act, insert "unless the instrument is expressed to be subject to the interest claimed in this caveat".

*[Form 24 inserted: Gazette 3 Feb 2006 p. 525-6; amended: Gazette 15 Jan 2010 p. 126; 9 Nov 2012 p. 5432-3.]*

## Form 24A Withdrawal of caveat

Form 24A

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

**WITHDRAWAL OF CAVEAT** No.(s)

| | | |
|---|---|---|
| (a) | Full name & Address of Caveator | Caveator<br>(a) |
| (b) | Specify caveat(s) to be withdrawn and mining tenement(s) affected | Caveat Number(s) and mining tenement(s) affected<br>(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 or agent | Caveator or agent signs here<br><br>Signed (c) .....<br>(if agent, full name and address of agent) |
| (d) | Signature, full name and address of witness | Witness signs here<br><br>in the presence of (d) .....<br>Full name .....<br>Address ..... |
| (e) | LODGING PARTY<br>Full name and address (for return of documents) | (e) |

OFFICIAL USE

Received at .....a.m./p.m. on ..... 20.....

with fee of $ .....

.....
Mining Registrar

**Form 24A**

*[Form 24A inserted: Gazette 3 Feb 2006 p. 526-7; amended: Gazette 15 Jan 2010 p. 126; 9 Nov 2012 p. 5433-5.]*

**Form 25**

## Form 25 Mortgage

Form 25

WESTERN AUSTRALIA
*Mining Act 1978*
(Reg. 77)

**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.

*Here set forth any further covenants

3. *

**See Note 1

**

DATED this day of 20

**Form 25**

| | | |
|---|---|---|
| | | MORTGAGOR(S) sign here |
| (a) | Signature of Mortgagor(s) | Signed (a) ..... |
| (b) | Signature, full name and address of witness | in the presence of (b) .....<br>Full name.....<br>Address.....<br>Signed (a) .....<br>in the presence of (b) .....<br>Full name.....<br>Address..... |
| | ***See Note 2 | *** |

| | |
|---|---|
| LODGING PARTY<br>(c) Full name and address (for return of documents) | (c) |

OFFICIAL USE

Received at .....a.m./p.m. on ..... 20.....

with fee of $ .....

.....
Mining Registrar

Notes: 1. If section 122A(1)(b) of the Act applies, insert "THE MORTGAGOR AND THE MORTGAGEE acknowledge that this mortgage is subject to the interest claimed by the caveator in caveat no." and the relevant caveat number.

2. If the words set out in Note 1 are inserted in the mortgage the mortgage must also be signed by the mortgagee(s) and that signature or those signatures duly witnessed.

*[Form 25 amended: Gazette 2 Oct 1987 p. 3835; 3 Feb 2006 p. 527; 15 Jan 2010 p. 126; 9 Nov 2012 p. 5435-6.]*

## Form 26 Discharge of mortgage

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

Signed

(e) Signature of Mortgagee — (e).....

in the presence of

(f) Signature, full name and address of witness — (f) .....
Full name .....
Address .....

**Form 26**

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

OFFICIAL USE

Received at .....a.m./p.m. on ..... 20.....
with fee of $ .....

.....
Mining Registrar

*[Form 26 amended: Gazette 15 Jan 2010 p. 126; 9 Nov 2012 p. 5436-7.]*

## Form 26A Partial discharge of mortgage

Form 26A

WESTERN AUSTRALIA
*Mining Act 1978*
(Reg. 83)

**PARTIAL DISCHARGE OF MORTGAGE** No.

| | | |
|---|---|---|
| (a) | Full name and Address of Mortgagee | Mortgagee<br>(a) |
| (b) | Date of Mortgage | Mortgage details |
| (c) | Number of Mortgage | (b)<br>(c) |
| (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<br>(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

| | | SIGNATURE(S) | WITNESS(ES) TO SIGNATURE(S) |
|---|---|---|---|
| (f) | Signature and/or company seal of (a) the above | (f) ..... | (g) ..... |
| (g) | Signature(s), full name(s) and address(es) of witness | ..... | ..... |

| | | |
|---|---|---|
| LODGING PARTY<br>(h) | Full name and address (for return of documents) | (h) |

**Form 26A**

OFFICIAL USE

Received at .....a.m./p.m. on ..... 20.....
with fee of $ .....

.....
Mining Registrar

NOTE 1: If Mortgage is to be totally discharged use Form 26.

*[Form 26A inserted: Gazette 31 Jul 1992 p. 3779-80; amended: Gazette 15 Jan 2010 p. 126; 9 Nov 2012 p. 5437-9.]*

## Form 26B Tax memorial

Form 26B

WESTERN AUSTRALIA
*Mining Act 1978*
(s. 103C r. 84AA)

**TAX MEMORIAL** No.

**Mining tenement**

(a) Type — (a)

(b) Number — (b)

**Reason for memorial**

(c) Specify either transfer duty or landholder duty as appropriate

(*Tick whichever is applicable*)

☐ This memorial is lodged under the *Taxation Administration Act 2003* section 77 to create a charge on the mining tenement specified above for unpaid stamp duty.

☐ This memorial is lodged under the *Taxation Administration Act 2003* section 77A to create a charge on the mining tenement specified above for unpaid (c) .....

DATED this day of 20

(d) Signature, full name and designation of officer — (d) .....

.....

for Commissioner of State Revenue

OFFICE OF STATE REVENUE

Office of State Revenue
Bundle ID:
Client ID:

**Form 26B**

OFFICIAL USE

Received at .....a.m./p.m. on ..... 20.....
with fee of $ .....

.....
Mining Registrar

*[Form 26B inserted: Gazette 15 Jan 2010 p. 127-8; amended: Gazette 9 Nov 2012 p. 5439-40.]*

## Form 26C Withdrawal of memorial

Form 26C

WESTERN AUSTRALIA
*Mining Act 1978*
(s. 103C r. 84AB)

**WITHDRAWAL OF MEMORIAL** No.

**Tax memorial**

(a) Tax memorial number — (a)

**Mining tenement**

(b) Type — (b)

(c) Number — (c)

The Commissioner of State Revenue hereby withdraws the tax memorial specified above registered against the mining tenement specified above.

DATED this day of 20

(d) Signature, full name and designation of officer — (d) .....
.....
for Commissioner of State Revenue
OFFICE OF STATE REVENUE

Office of State Revenue
Bundle ID:
Client ID:

(e) Full name and address of person lodging withdrawal of memorial — (e) .....
.....
.....

**Form 26C**

OFFICIAL USE

Received at .....a.m./p.m. on ..... 20.....
with fee of $ .....

.....
Mining Registrar

*[Form 26C inserted: Gazette 15 Jan 2010 p. 128-9; amended: Gazette 9 Nov 2012 p. 5439-40.]*

*[Forms 27 and 27A deleted: Gazette 19 Jun 2012 p. 2651.]*

**Form 28**

## Form 28 Devolution

Form 28

WESTERN AUSTRALIA
*Mining Act 1978*
(r. 102)

**DEVOLUTION** No.

| | | |
|---|---|---|
| | **Details of Mining Tenement (or application therefor)** | |
| (a) Type | (a) | |
| (b) Number | (b) | |
| (c) Mineral Field | (c) | |
| (d) Number of shares | (d) | |
| (e) Document from which title derived | (e) | |
| EXECUTOR OR ADMINISTRATOR (see Note 1)<br>(f) Full name<br>(g) ACN/ABN (if applicable)<br>(h) Service address<br>(i) Optional information (email address, telephone)<br>(j) Designated Tenement Contact (see Note 2)<br>(i) Full name<br>(ii) Postal address (Street/Post Box/Locked Bag, Suburb, State, Postcode, Country)<br>(iii) Email address<br>(iv) Optional information (telephone) | (f), (g), (h) & (i) | (j) |

**Form 28**

| | |
|---|---|
| *Copy of document to be attached | applies to be registered as the holder of the above mentioned interest and *attached is a copy of the document referred to in (e) above. |
| | DATED this day of 20 |
| (k) Signature of executor or administrator | (k)..... |

| | |
|---|---|
| LODGING PARTY<br>(l) Full name and address (for return of documents) | (l) |

OFFICIAL USE

Received at .....am/pm on ..... 20.....

with fee of $ .....

.....

Mining Registrar

Notes: 1. The executor or administrator must include their full name (individual or company) and service address. The *Mining Regulations 1981* regulation 84A(1) defines ***service address***.

2. The executor or administrator must include the full name (individual or company), postal address and email address of their designated tenement contact for the tenement or application, to be used for correspondence. The executor or administrator may only have 1 designated tenement contact for the tenement or application and may nominate themselves as the designated tenement contact.

*[Form 28 inserted: SL 2025/183 r. 31.]*

## Form 29 Application for copy document

Form 29

WESTERN AUSTRALIA
*Mining Act 1978*
(r. 105)

**APPLICATION FOR COPY DOCUMENT** No.

(a) Name of applicant — (a)

(b) Address of applicant — of (b)

requests that a copy of the document described below be issued.

(c) Description of document

**Details of document**

(c)

**Eligibility to apply for the copy**

(d) (*Delete inapplicable*)

(d)
- the document is an instrument of lease or licence and the applicant is the registered holder of the mining tenement
- the document was issued to the applicant
- the document was issued in respect of a mining tenement and the applicant is the registered holder of the mining tenement

(e) Signature of applicant or agent (if agent, state full name and address) — (e).....DATE.....

OFFICIAL USE

Received at .....am/pm on ..... 20.....

with fee of $ .....

.....
Mining Registrar

*[Form 29 inserted: Gazette 13 Dec 2019 p. 4240.]*

## Form 30 Application to amend

Form 30

WESTERN AUSTRALIA
*Mining Act 1978*
(r. 84E, 84G, 89AC, 89AD, 179)

**APPLICATION TO AMEND** No.

| | |
|---|---|
| DETAILS OF TENEMENT OR APPLICATION | |
| (a) Type | (a) |
| (b) Number | (b) |
| (c) Mineral Field | (c) |

| | |
|---|---|
| HOLDER/APPLICANT DETAILS | |
| (d) Full name | (d) |
| (e) Service address | (e) |

The abovementioned HOLDER/APPLICANT applies to amend the particulars on the register at the Department.

FROM

| | |
|---|---|
| (f) Present particulars shown in register or enter "NIL" if none | (f) |

**Form 30**

| | | TO |
|---|---|---|
| (g) | Amended particulars (see Note 1)<br><br>If amending details for the Holder/Applicant, the following information must be provided for the Holder/Applicant: (see Note 2)<br><br>Full name<br><br>ACN/ABN (if applicable)<br><br>Service address<br><br>If providing or amending details for the Holder's/ Applicant's designated tenement contact, the following information must be provided for the designated tenement contact: (see Note 3)<br><br>Full name<br><br>Postal address (Street/Post Box/Locked Bag, Suburb, State, Postcode, Country)<br><br>Email address | (g) |
| (h) | Optional information (see Note 4) | (h) |
| AGENT DETAILS | | |
| (i) | If agent, state full name and address | (i) |

**Form 30**

| | |
|---|---|
| **If applicable* | The aforementioned AGENT declares that they are duly authorised by the Applicant/Holder to nominate the agent's address as the Applicant/ Holder's service address. |
| | DATED this day of 20 |
| (i) Signature of Holder/ Applicant or agent (see Note 5) | (i)…..... |

OFFICIAL USE

Received at …….. am/pm on ……..20

……..
Mining Registrar

NOTES:

1. A statutory declaration setting out the reasons for the requested amendments must accompany the application if it is made under the *Mining Regulations 1981* regulation 84E.
2. The holder or applicant must include their full name (individual or company) and service address. The *Mining Regulations 1981* regulation 84A(1) defines ***service address***.
3. This form may be used to lodge particulars of a designated tenement contact for the first time, to change a designated tenement contact, or to change the particulars of a designated tenement contact. The holder or applicant must include the full name (individual or company), postal address and email address of their designated tenement contact, to be used for correspondence. A holder or applicant may only have 1 designated tenement contact for a particular mining tenement or application (although multiple holders or applicants may have the same designated tenement contact). A holder or applicant may nominate themselves as the designated tenement contact.
4. Optional information may be provided such as an email address or telephone number for the holder or applicant or the telephone number of the designated tenement contact.
5. If this form is signed by a person who is an employee of the holder or applicant, the person must state the person's full name and the position in which the person is employed.
6. A reference in this form to a holder includes a reference to a transferee or devolvee in relation to a tenement prior to them becoming the holder of the tenement.

*[Form 30 inserted: SL 2025/183 r. 32.]*

## Form 31 Power of attorney

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.

The words "mining tenement" herein include any share or interest in a mining tenement, or application therefor.

DATED this day of 20

(c) Signature of donor Signed (c) .....
in the presence of

(d) Signature of witness: Signed (d) .....

(e) Full name and address of witness (e) .....
.....

(f) Signature of donee Signed (f) .....
in the presence of

(g) Signature of witness Signed (g) .....

(h) Full name and address of witness (h) .....
.....

OFFICIAL USE

Received at .....a.m./p.m. on ..... 20.....

with fee of $ .....

.....
Mining Registrar

*[Form 31 amended: Gazette 2 Oct 1987 p. 3835; 8 Dec 2009 p. 132; 9 Nov 2012 p. 5443-4.]*

## Form 32 Security

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)

subject only to this condition that, if

(b) Full name and residential or business address (see Note 1) of applicant or holder — (b)

shall comply with the conditions to which

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

| **Applicant or Holder signs here** | in the presence of | **Witness signs here** |
|---|---|---|
| (d) Signature of applicant/ holder | (d) | |
| (e) Signature, full name and address of witness | (e) | |

**Form 32**

OFFICIAL USE

Received at .....a.m./p.m. on ..... 20

.....
Mining Registrar

Note 1: A Post Office Box address is not an acceptable residential or business address. A Post Office Box address may be included in addition to the residential or business address.

*[Form 32 amended: Gazette 2 Oct 1987 p. 3836 (erratum: Gazette 6 Nov 1987 p. 4110); 24 Jun 1994 p. 2939; 4 Apr 1997 p. 1780; 17 Jan 2003 p. 114; 15 Jan 2010 p. 132; 9 Nov 2012 p. 5444-5.]*

## Form 33 Plaint and Summons

Form 33

WESTERN AUSTRALIA
*Mining Act 1978*
(r. 121 and 123(1)(c))

**PLAINT** **No.**

In the Warden's Court at .....

| | | |
|---|---|---|
| | | **Plaintiff** |
| (a) | Name and address of plaintiff | (a) ..... ..... |
| | | **Respondent** |
| (b) | Name and address of respondent | (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 (See Note) | (e) ..... |
| (f) | Address for service | (f) ..... ..... Tel ..... Fax ..... Email ..... Ref (if any) ..... |

OFFICIAL USE

**SUMMONS TO RESPONDENT**

YOU ARE HEREBY REQUIRED TO ATTEND before the Warden's Court sitting at ..... on the ..... day of ..... 20..... at ..... a.m./p.m. for a mention hearing.

**Form 33**

**TAKE NOTICE** YOUR RESPONSE IN THE FORM OF **FORM 36** must be filed and served upon the plaintiff **within 14 days** of service of this plaint.

SEAL OF COURT

Received at .....a.m./p.m. on ..... 20 ..... with the prescribed plaint fee.

.....
Mining Registrar

Note: If this form is signed by a person who is an employee of the plaintiff, the person must state the person's full name and the position in which the person is employed.

*[Form 33 inserted: Gazette 9 Nov 2012 p. 5445-6.]*

*[Form 34 deleted: Gazette 9 Nov 2012 p. 5446.]*

## Form 35 Affidavit of service

Form 35

WESTERN AUSTRALIA
*Mining Act 1978*
(r. 127D, 150)

### AFFIDAVIT OF SERVICE

In the Warden's Court at
Before the Warden at
*(delete whichever is not applicable)*

(a) Select an option or specify other document being served

(a) Plaint / Application / Other

No ..... / .....

**Plaintiff / Applicant / Other**

(b) Name and address

(b)

AND

(c) Name and address of tenement holder (for service)

**Respondent / Objector**
(c)

(d) Full name and address

(d) I,

(e) State the document served

make oath and say that I did on the ..... day of ..... 20....., duly serve a copy of the (e) ..... as follows — .....

Full name of person on whom service effected

.....

(f) State manner of service

(f) Manner of service

.....

Address where service effected

.....

(g) Include signature only when sworn

(g) sworn .....

| | | |
|---|---|---|
| (h) | State the place where sworn | (h) before me at .....<br><br>this ..... day of ..... 20..... |
| (i) | State full name and indicate which description is applicable | (i) (legal practitioner authorised to witness affidavits under the *Oaths, Affidavits and Statutory Declarations Act 2005*/Warden/Mining Registrar/Justice of the Peace)<br>.....<br>..... |

*[Form 35 inserted: Gazette 9 Mar 2007 p. 907-8; amended: Gazette 15 Jan 2010 p. 133; 9 Nov 2012 p. 5446-8.]*

## Form 35A Application for forfeiture under section 96(1)(b) or 98

Form 35A

WESTERN AUSTRALIA
*Mining Act 1978*
(r. 140)

**APPLICATION FOR FORFEITURE UNDER SECTION 96(1)(b) OR 98**

No.

Before the Warden at

| | | |
|---|---|---|
| (a) | Name and address of applicant | **Applicant for forfeiture**<br>(a) |
| | | V |
| (b) | Name and address of tenement holder (for service) | **Respondent**<br>(b) |
| (c) | Mining tenement number | The Applicant claims that the Respondent has failed to comply with the expenditure conditions in relation to<br>(c) |
| (d) | Relevant year | for the year ending —<br>(d)<br>and applies for the mining tenement to be forfeited.<br>DATED this ..... day of ..... 20..... |
| (e) | Signature of applicant/legal practitioner/ authorised representative (See Notes 1 and 1A) | (e) ..... |
| (f) | Address for service of applicant/legal practitioner | (f) .....<br>.....<br>Tel ..... Fax .....<br>Email ..... Ref (if any) ..... |

**Form 35A**

OFFICIAL USE

**SUMMONS TO RESPONDENT**

YOU ARE HEREBY REQUIRED TO ATTEND A MENTION HEARING (see Note 2) before the Warden at ..... at ..... a.m./p.m. on the ..... day of ..... 20..... to answer the application for forfeiture as outlined above.

**TAKE NOTICE** that if you intend to dispute the applicant's claim YOUR RESPONSE in the form of **FORM 36** must be filed **within 14 days** of being served with this application (see Note 3).

| STAMP OF MINING REGISTRAR |
|---|
| |

Received at ..... a.m./p.m. on the ..... day of ..... 20..... with the prescribed application fee.

.....
Mining Registrar

NOTES:

1. If this form is signed by a person who is an employee of the applicant, the person must state the person's full name and the position in which the person is employed.

1A. If this form is signed by an agent of the applicant, the agent must state the agent's full name.

2. A "mention hearing" is an initial hearing where the warden may give directions to the parties, set a hearing date and/or adjourn to a further mention hearing. A party who does not wish to attend in person or by legal practitioner or agent on the nominated mention hearing date must make a written application not less than 7 days before the hearing. Costs may be awarded against a party for non-attendance.

3. If at a mention hearing a date for the hearing and determination of the application for forfeiture is fixed, you may apply for the issue of a witness summons to compel the attendance of any witnesses and/or production of relevant documents.

*[Form 35A inserted: Gazette 9 Mar 2007 p. 908-9; amended: Gazette 15 Jan 2010 p. 133; 9 Nov 2012 p. 5448-50; SL 2020/119 r. 13; SL 2022/118 r. 7.]*

**Form 36**

## Form 36 Response

Form 36

WESTERN AUSTRALIA
*Mining Act 1978*
(r. 126, 141)

**RESPONSE**

In the Warden's Court at

Before the Warden at

*(delete whichever is not applicable)*

| | | | |
|---|---|---|---|
| (a) | Select an option | (a) Plaint / Application for forfeiture<br>No. ...../..... | Affecting tenement<br>...../..... |
| (b) | Name and address | **Plaintiff / Applicant for forfeiture**<br>(b) | |
| | | AND | |
| (c) | Name and address of tenement holder | **Respondent**<br>(c) | |
| | | TAKE NOTICE that I intend to defend the plaint/application in this proceeding on the following grounds — | |
| (d) | Grounds of defence | (d) | |
| | | DATED at ..... this ..... day of ..... 20..... | |
| (e) | Signature of respondent/legal practitioner/ authorised representative (see Notes) | (e) ..... | |
| (f) | Address for service of respondent/legal practitioner | (f) .....<br>.....<br>Tel ..... Fax .....<br>Email ..... Ref (if any) ..... | |

**Form 36**

OFFICIAL USE

Received at .....a.m./p.m. on ..... 20.....
with fee of $ .....

.....
Mining Registrar

NOTES: 1. If this form is signed by a person who is an employee of the respondent, the person must state the person's full name and the position in which the person is employed.

2. If this form is signed by an agent of the respondent, the agent must state the agent's full name.

*[Form 36 inserted: Gazette 9 Mar 2007 p. 910; amended: Gazette 15 Jan 2010 p. 133; 9 Nov 2012 p. 5450-1; SL 2020/119 r. 14; SL 2022/118 r. 7.]*

## Form 36A Interlocutory application

Form 36A

WESTERN AUSTRALIA
*Mining Act 1978*
(r. 127E, 151 and 153)

Tenement No. .....

**INTERLOCUTORY APPLICATION**

In the Warden's Court at .....

Before the warden at .....
*(delete whichever is not applicable)*

(a) Insert number of plaint/ application/ objection

(a)
.....
.....
.....

In the matter of:

(b) Names of parties

(b)

AND

(b)

(c) Name of party making the application

(c) I / WE
.....
.....
.....

(d) State order sought

(d) (see Note 1)

(e) Signature of applicant/legal practitioner/ authorised representative (see Notes 3 and 4)

(e)

(f) Applicant/legal practitioner address for service

(f)

Tel ..... Fax .....

Email ..... Ref (if any) .....

(g) Address of party/parties to whom this application is addressed (see Note 2)

(g) .....
.....

**Form 36A**

OFFICIAL USE

| | | | |
|---|---|---|---|
| (h) | Date and place of hearing | (h) | THIS APPLICATION WILL BE HEARD in the Warden's Court / before the Warden sitting at ..... on the ..... day of ..... 20..... |

Received at .....a.m./p.m. on ..... 20.....

with fee of $ .....

.....
Mining Registrar

SEAL OF WARDEN'S COURT/STAMP OF MINING REGISTRAR

NOTES:
1. This application is to be supported by affidavit outlining the reasons the order is sought, including the relevant facts.
2. This application must be served on the other party/parties and an affidavit as proof of service must be lodged.
3. If this form is signed by a person who is an employee of the applicant, the person must state the person's full name and the position in which the person is employed.
4. If this form is signed by an agent of the applicant, the agent must state the agent's full name.

*[Form 36A inserted: Gazette 9 Mar 2007 p. 911-12; amended: Gazette 15 Jan 2010 p. 133; 9 Nov 2012 p. 5452-4; SL 2020/119 r. 15; SL 2022/118 r. 7.]*

## Form 37 Summons to witness

Form 37

WESTERN AUSTRALIA
*Mining Regulations 1981*
(r. 127, 157)

### SUMMONS TO WITNESS

In the Warden's Court at .....

Before the warden at .....

*(delete whichever is not applicable)*

(a) Tenement or tenement application No. — (a) No. ..... / .....

(b) Name and address *(delete inapplicable)*

**Plaintiff / Applicant / Objector**
(b)

AND

(c) Name and address *(delete inapplicable)*

**Tenement Holder (Respondent) / Tenement Applicant**
(c)

**TO:**

(d) Full name and address of person being summoned — (d)

YOU are hereby summoned (see Note 1) to attend before the warden/Warden's Court at

(e) Place of hearing — (e)

(f) Time and Date of hearing — at (f) ..... a.m./p.m. on the ..... day of ..... 20.....

(g) Objector/ applicant/ plaintiff/ respondent — to give evidence on behalf of the (g) .....

(h) State the particular documents required to be produced — (h) and to produce at the hearing
.....
.....
.....
.....

(i) Nature of claim as stated in application or objection — (i)
.....
.....
.....

**Form 37**

| | | |
|---|---|---|
| (j) | Phone / fax / or other contact for party initiating the summons | (j) ..... ..... |

(see Note 2)

SEAL OF WARDEN'S COURT / STAMP OF MINING REGISTRAR

Dated at ..... this ..... day of ..... 20.....

..... Mining Registrar

..... Mineral Field

**Note 1:** A person failing to attend as directed is liable to a fine of $10 000.

**Note 2:** This summons must be served PERSONALLY on the witness (see regulation 127 and 157) and the witness is entitled to an amount sufficient for the purposes of regulation 127(3) or 157(3), as the case requires.

*[Form 37 inserted: Gazette 9 Mar 2007 p. 912-13; amended: Gazette 15 Jan 2010 p. 133; 9 Nov 2012 p. 5454.]*

## Form 38 Judgment of a warden's court/determination of a warden

Form 38

WESTERN AUSTRALIA
*Mining Regulations 1981*
(r. 129, 173)

**JUDGMENT OF A WARDEN'S COURT / DETERMINATION OF A WARDEN**

Tenement No. .....

In the Warden's Court at .....

Before the Warden at .....

*(delete whichever is not applicable)*

(a) Specify either the application for forfeiture or plaint number

(a)

No. ..... / .....

(b) Specify full name and address of either forfeiture applicant or plaintiff

(b)

AND

(c) Specify full name and address of tenement holder

(c)

(d) Insert result

(d)

AND the Court / Warden directs —

(e) Set forth the decision in full (or attach)

(e)

DATED at .....

this ..... day of ..... 20 .....

SEAL OF WARDEN'S COURT / STAMP OF MINING REGISTRAR

.....Warden/Mining Registrar

*[Form 38 inserted: Gazette 9 Mar 2007 p. 914; amended: Gazette 15 Jan 2010 p. 133.]*

*[Forms 39-41 deleted: Gazette 9 Mar 2007 p. 914.]*

## Form 42 Notice of appeal under section 147

Form 42

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

**NOTICE OF APPEAL UNDER SECTION 147**

| | | |
|---|---|---|
| | | **Appellant** |
| (a) | Full Name and address of appellant | (a) |
| | | V |
| | | **Respondent** |
| (b) | Full name and address of respondent | (b) |

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 —

Signed.....
Signature of Appellant or Appellant's legal practitioner

(c) Address for service (c).....

.....

Tel ..... Fax .....

Email ..... Ref (if any) .....

**Form 42**

OFFICIAL USE

Received at .....a.m./p.m. on ..... 20

.....
Mining Registrar

*[Form 42 amended: Gazette 15 Jan 2010 p. 133; 9 Nov 2012 p. 5454-5; SL 2022/118 r. 7.]*

## Form 43 Injunction

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

*[Form 43 amended: Gazette 15 Jan 2010 p. 134.]*

## Form 44 Report of approved surveyor

WESTERN AUSTRALIA

Form 44 *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 RECORD NUMBER |
|---|---|---|---|---|
| | | | | |

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

*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.....

*[Form 44 inserted: Gazette 5 Jul 1991 p. 3359; amended: Gazette 15 Jan 2010 p. 134; SL 2025/183 r. 33.]*

# Schedule 2 — Fees and rents

[r. 2, 4D(2), 16C(2), 23BA(2), 25B, 64(1b), (1C) and (8), 84D, 109(1), (3) and (3A), 120A(3B), 121(2), 146(1A), 163(2) and (4) and 165(7)(f)]

*[Heading inserted: SL 2026/124 r. 6.]*

| Item | Description | $ |
|---|---|---|
| 1. | Annual rent of existing exploration licence per square kilometre or part of 1 square kilometre — | |
| | (a) for years 1 to 7 of the term of the licence | 79.00 |
| | (b) for year 8, and each subsequent year, of the term of the licence | 265.00 |
| 2. | Annual rent of graticular exploration licence — | |
| | (a) 1 block licence applied for after 1 July 1999 | 493.00 |
| | (b) all other licences, per block — | |
| | (i) for years 1 to 3 of the term of the licence | 177.00 |
| | (ii) for years 4 and 5 of the term of the licence | 318.00 |
| | (iii) for years 6 and 7 of the term of the licence | 435.00 |
| | (iv) for year 8, and each subsequent year, of the term of the licence | 825.00 |
| 3. | Annual rent of general purpose lease per hectare or part of 1 hectare | 27.70 |
| 4. | Annual rent of miscellaneous licence per hectare or part of 1 hectare — | |
| | (a) for the purpose referred to in regulation 42B(ia) | 1.15 |

| Item | Description | $ |
|---|---|---|
| | (b) for any other purpose | 27.70 |
| 5. | Annual rent of prospecting licence — | |
| | (a) licences up to 9 hectares | 40.70 |
| | (b) all other licences — per hectare or part of 1 hectare | 4.40 |
| 6. | Annual rent of retention licence per hectare or part of 1 hectare | 13.80 |
| 7. | Annual rent of lease granted under the *Mining Act 1904*, 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 of 1 hectare | 30.10 |
| 8. | Annual rent of mining lease per hectare or part of 1 hectare | 30.10 |
| 9. | Annual rent of mining lease per hectare or part of 1 hectare where the lease is restricted under section 110 to minerals dissolved in brine — | |
| | (a) for years 1 to 5 of the initial term of the lease | 3.40 |
| | (b) for year 6, and each subsequent year, of the initial term of the lease | 8.05 |
| | (c) if the lease is renewed or further renewed, for each year of the further term of the lease | 8.05 |
| 10. | Application fee for — | |
| | (a) exploration licence — | |
| | (i) 1 block | 503.00 |
| | (ii) more than 1 block | 1 800.00 |

| Item | Description | | $ |
|---|---|---|---|
| | (b) general purpose lease | | 703.00 |
| | (c) mining lease | | 703.00 |
| | (d) miscellaneous licence | | 703.00 |
| | (e) permit under section 40E | r. 4D(2) | 119.00 |
| | (f) prospecting licence | | 478.00 |
| | (g) retention licence | | 1 080.00 |
| 11. | Application fee for approval of retention status | | 399.00 |
| 12. | Copy of all or part of document or report — per copy | r. 25B | 13.50 |
| 13. | Copy of — | | |
| | (a) entry in the register — per tenement | r. 84D | 10.50 |
| | (b) dealing or other instrument — per tenement | r. 84D | 13.50 |
| 14. | Certified copy of document | r. 136A | 9.00 |
| 15. | Exemption from expenditure conditions — | | |
| | (a) 1 year exemption for — | | |
| | (i) prospecting licence | r. 54 | 494.00 |
| | (ii) exploration licence | r. 54 | 591.00 |
| | (iii) mining lease | r. 54 | 459.00 |
| | (b) 5 year exemption for mining lease | r. 54 | 2 300.00 |
| 16. | Issue of — | | |
| | (a) instrument of licence | s. 116 | 52.00 |
| | (b) miner’s right | s. 40C | 30.00 |
| 17. | Partial surrender of a mining tenement | r. 45 | 160.00 |

| Item | Description | | $ |
|---|---|---|---|
| 18. | Application for permit to enter private land — | r. 5 | |
| | (a) permits up to 3 lots or locations affected | | 41.00 |
| | (b) all other permits — per lot or location affected | | 10.50 |
| 19. | Private land — application to bring under the Act | r. 8 | 31.00 |
| 20. | Registration or recording of instruments — per tenement affected (if applicable) — | | |
| | (a) application for copy document | r. 105 | 146.00 |
| | (b) caveat | r. 76 | 168.00 |
| | (c) mortgage | r. 77 | 156.00 |
| | (d) tax memorial | s. 103C | 134.00 |
| | (e) transfer of mining tenement | r. 75 | 159.00 |
| | (f) withdrawal of memorial | s. 103C | 11.50 |
| | (g) withdrawal of caveat | r. 76A | No fee |
| | (h) transfer of mortgage | r. 84 | No fee |
| | (i) devolution | r. 102 | No fee |
| | (j) power of attorney | r. 108 | No fee |
| 21. | Copy of front page of Form 5, 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 | r. 96(3) | 13.00 |

| Item | Description | | $ |
|---|---|---|---|
| 22. | Fees relating to proceedings under Parts VII and VIII — | | |
| | (a) for entering a plaint or an application, excluding service fee, but including the issue of summons for each respondent and all necessary witness summonses | | 579.00 |
| | (b) response and all necessary witness summonses | | 62.00 |
| | (c) all necessary applications and affidavits | | 8.50 |
| | (d) order made by warden including an order for an injunction | | 28.00 |
| | (e) copy of — | | |
| | (i) evidence — per page | | 11.00 |
| | (ii) a judgment, decision, determination or order — per page | | 2.00 |
| | (f) taxation of bill of costs | $0.05 in each amount of $1.00 on amount of lodged bill (minimum fee $12.00) — however where the lodged bill exceeds $1 000 the fee is reduced to $0.025 in each $1.00 for the excess, plus $50.00 | |
| 23. | Fee for notice of objection — | | |
| | (a) general | | 430.00 |
| | (b) eligible individual | | 100.00 |

| Item | Description | $ |
|---|---|---|
| | (c) registered native title body corporate whose land is included or partly included in or shares a common boundary with land the subject of the mining tenement application | No fee |
| | (d) proprietor of land included or partly included in or sharing a common boundary with land the subject of the mining tenement application | No fee |

*[Schedule 2 inserted: SL 2026/124 r. 6.]*

# Schedule 3 — Transitional provisions relating to Geocentric Datum of Australia 1994

[r. 89A]

*[Heading inserted: Gazette 15 Jan 2010 p. 135; amended: SL 2025/172 r. 7.]*

## 1. Terms used

(1) In this Schedule —

***Australian Geodetic Datum*** means the datum described in clause 2;

***block*** means a block as described in section 56C;

***commencement day*** means the day on which section 5 of the *Acts Amendment (Australian Datum) Act 2000* comes into operation [5];

***existing exploration licence*** means an exploration licence referred to in clause 3(1) or (3);

***number***, in relation to a block, has the same meaning as it has in section 56C(4);

***prescribed land*** means all of an area of land that, as a result of the operation of section 9B in relation to the Geocentric Datum of Australia 1994 referred to in regulation 89A —

(a) immediately before the commencement day, was on the western and southern boundaries, but not within, a block or blocks; and

(b) on the commencement day, is in the block or blocks identified by reference to the same number or numbers by reference to which the block or blocks referred to in paragraph (a) was or were identified.

(2) The note and diagram after clause 8 are provided to assist understanding and do not form part of this Schedule.

*[Clause 1 inserted: Gazette 15 Dec 2000 p. 7220-1; amended: SL 2025/172 r. 8.]*

## 2. Australian Geodetic Datum

(1) For the purposes of this Schedule, the Australian Geodetic Datum is defined by an ellipsoid having a semi-major axis (equatorial radius) of

6 378 160 m and a flattening of 1/298.25 and fixed by the position of the origin being the Johnston Geodetic Station in the Northern Territory of Australia.

(2) The Johnston Geodetic Station is taken to be situated at —

(a) 25° 56′ 54.5515″ south latitude and 133° 12′ 30.0771″ east longitude; or

(b) where decimal reckoning is used, 25° 56.90919′ south latitude and 133° 12.50129′ east longitude,

and to have a ground level elevation of 571.2 m above the ellipsoid referred to in subclause (1).

*[Clause 2 inserted: Gazette 15 Dec 2000 p. 7221.]*

**3. Exploration licences**

(1) For the purposes of the Act or these regulations, the position on the surface of the Earth of the land that is the subject of an exploration licence in force before the commencement day is to be determined by reference to the Australian Geodetic Datum.

(2) For the purposes of the Act or these regulations, the position on the surface of the Earth of the land that is the subject of an application for an exploration licence lodged before the commencement day and pending immediately before that day is to be determined by reference to the Australian Geodetic Datum.

(3) For the purposes of the Act or these regulations, the position on the surface of the Earth of the land that is the subject of an exploration licence granted on or after the commencement day in respect of an application referred to in subclause (2) is to be determined by reference to the Australian Geodetic Datum.

*[Clause 3 inserted: Gazette 15 Dec 2000 p. 7221.]*

**4. Land surrendered or forfeited etc.**

(1) If after the commencement day —

(a) land becomes available from an existing exploration licence; and

(b) any portion of that land is in a block in respect of which an exploration licence has been granted in respect of an application lodged on or after the commencement day,

the exploration licence referred to in paragraph (b) is to be amended, by force of this subclause, to include the land that has become available from the existing exploration licence.

(2) If after the commencement day —

(a) land becomes available from an existing exploration licence; and

(b) any portion of that land is in a block in respect of which an application for an exploration licence is lodged on or after the commencement day,

the application referred to in paragraph (b) is taken to extend to the land that has become available from the existing exploration licence and, if an exploration licence is granted in respect of that application, that land is to be included in the exploration licence.

(3) Subclauses (1) and (2) do not apply if —

(a) the land that becomes available from an existing exploration licence has been included in an application under section 67 or 70B; and

(b) a mining lease, general purpose lease or retention licence has been granted in respect of the application.

(3a) Subclauses (1) and (2) do not apply if —

(a) the land that becomes available from an existing exploration licence has been included in a reversion licence application; and

(b) a prospecting licence has been granted in respect of the reversion licence application.

(4A) Subclauses (1) and (2) do not apply if —

(a) the land that becomes available from an existing exploration licence has been included in an application under section 100(1); and

(b) a mining tenement has been granted in respect of the application.

(4) Subclause (2) does not apply if the land that becomes available from an existing exploration licence is in a block identified by reference to the same number as a block in respect of which an application referred to in subclause (2)(b) has been lodged.

(5) A reference in this clause to land becoming available from an existing exploration licence is a reference to the land that is the subject of the licence being surrendered under section 65 or to the surrender, forfeiture (otherwise than under section 99) or expiry of the licence.

*[Clause 4 inserted: Gazette 15 Dec 2000 p. 7221-2; amended: Gazette 3 Feb 2006 p. 604; 15 Jan 2010 p. 135.]*

**5. Land exempted under section 19**

For the purposes of the Act or these regulations, the position on the surface of the Earth of land that is the subject of an exemption given by an instrument in force under section 19 and made before the commencement day is to be determined by reference to the Australian Geodetic Datum.

*[Clause 5 inserted: Gazette 15 Dec 2000 p. 7222.]*

**6. Areas declared under section 57(4), and savings**

(1) For the purposes of the Act or these regulations, the position on the surface of the Earth of land that is the subject of a declaration in force under section 57(4) and made before the commencement day is to be determined by reference to the Geocentric Datum of Australia 1994.

(2) Subclause (1) does not affect the validity of —

(a) an existing exploration licence; or

(b) an application for an exploration licence lodged before the commencement day and pending immediately before that day.

*[Clause 6 inserted: Gazette 15 Dec 2000 p. 7223; amended: SL 2025/172 r. 9.]*

### 7. Certain prospecting licences and mining leases may be amalgamated with existing exploration licences

(1) If a person is the holder of both an existing exploration licence and another tenement, the person or an agent of the person may, without marking out the land, apply in writing to the Minister in the manner prescribed for the purposes of section 67A(1) for the other tenement, or part of the other tenement, to be amalgamated with the exploration licence.

(2) Another tenement, or part of another tenement, cannot be amalgamated with an exploration licence under this clause unless the land that is the subject of the other tenement, or of that part of the other tenement, is —

(a) wholly within the same block or same blocks within which the land that is the subject of the exploration licence is situated; and

(b) contiguous with the land referred to in paragraph (a).

(3) Subject to subclause (2), section 67A(4) and (5) apply to an application under subclause (1) as if —

(a) the application had been made under section 67A(1); and

(b) a reference in section 67A(4) or (5) to "secondary tenement" were a reference to, as the case requires, the "other tenement" or "part of the other tenement" mentioned in subclause (1).

(4) This clause does not affect the operation of section 67A.

(5) In this clause —

***another tenement*** or ***other tenement*** means a prospecting licence or mining lease applied for and granted after the commencement day in respect of prescribed land.

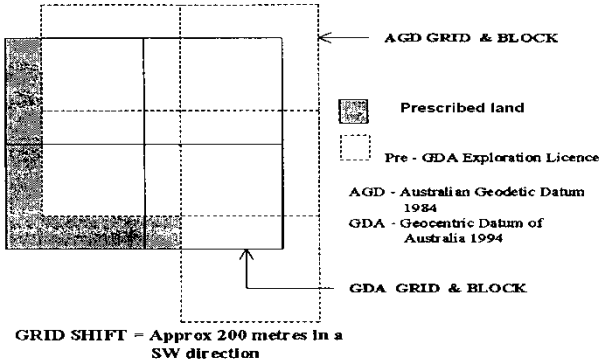
*[Clause 7 inserted: Gazette 15 Dec 2000 p. 7223.]*

### 8. Prescribed land does not need to be marked out

Despite section 105, if an application for a prospecting licence or mining lease is made on or after the commencement day in respect of prescribed land only, that land does not need to have been marked out.

Note:

The following diagram shows an example of prescribed land referred to in this Schedule.




*[Clause 8 inserted: Gazette 15 Dec 2000 p. 7223-4.]*

# Schedule 4 — Scale of costs for proceedings under Part IV of the Act

[r. 165(6)]

*[Heading inserted: Gazette 9 Mar 2007 p. 916.]*

## 1. Terms used

In this Schedule —

***counsel* (*C*)** means a legal practitioner, other than a senior counsel, acting as a barrister;

***junior legal practitioner* (*JLP*)** means a legal practitioner who has been admitted to the Australian legal profession for less than 5 years in any jurisdiction in Australia;

***PL*** means a paralegal;

***senior counsel* (*SC*)** means a legal practitioner who has been appointed a Senior Counsel or Queen's Counsel in an Australian jurisdiction and whose appointment is afforded recognition by the Chief Justice of the Supreme Court of Western Australia;

***senior legal practitioner* (*SLP*)** means a legal practitioner who has been admitted to the Australian legal profession for 5 years or more in any jurisdiction in Australia.

*[Clause 1 inserted: SL 2022/118 r. 6(1).]*

## 2. Hourly rates

The hourly and daily rates set out in the Table to this clause are the maximum hourly and daily rates, inclusive of GST, which shall be used to calculate the dollar amounts in the scale of costs set out in the Table to clause 3.

**Table — Hourly and daily rates**

| **Fee earner** | | **Maximum allowable hourly rates** |
|---|---|---|
| Senior Legal Practitioner | hourly rate | $396 |
| Junior Legal Practitioner | hourly rate | $297 |

| **Fee earner** | | | **Maximum allowable hourly rates** |
|---|---|---|---|
| Clerk/Paralegal | | hourly rate | $143 |
| **Counsel fees charged as a disbursement to legal practitioners or charged by in-house Counsel:** | | | |
| Counsel | (C) | hourly rate | $319 |
| | | daily rate | $3 190 |
| Senior Counsel | (SC) | hourly rate | $528 |
| | | daily rate | $5 280 |

*[Clause 2 inserted: Gazette 9 Mar 2007 p. 916-17; amended: Gazette 4 Feb 2011 p. 392-3; 11 Sep 2015 p. 3745; SL 2022/118 r. 7.]*

**3. Scale of costs**

In the absence of a costs agreement under the *Legal Profession Uniform Law (WA)* Part 4.3, the repealed *Legal Profession Act 2008* or the repealed *Legal Practice Act 2003*, the costs of or in relation to a party to proceedings (inclusive of GST and counsel fees but exclusive of other disbursements) —

(a) recoverable from one party by another party; or

(b) payable by a party to that party's own legal practitioner,

shall not exceed the amounts set out in the Table to this clause.

**Table — Scale of costs**

| **Item** | | **Time** | **Fee earner** | **Maximum amount $** |
|---|---|---|---|---|
| 1. | Commencing proceedings — | | | |
| | (a) Application or objection, including instructions | | | 396 |
| | For each additional respondent | | | 55 |
| | (b) Particulars (including preparation and lodgment) | 8 hour | SLP | 3 168 |

| Item | | Time | Fee earner | Maximum amount $ |
|---|---|---|---|---|
| 2. | Response — | | | |
| | (a) Lodging a response | | | 198 |
| | (b) Particulars (including preparation and lodgment) | 8 hours | SLP | 3 168 |
| 3. | Disclosure — | | | |
| | Giving additional disclosure where ordered by the warden | 3 hours | JLP | 891 |
| 4. | Inspection — | | | |
| | Inspection and giving inspection | per hour | JLP | 297 |
| 5. | Interlocutory applications — | | | |
| | Proceedings and/or responses to applications (including all documentation and preparation for hearing)<br><br>*Note: In relation to the above, if the proceedings do not commence and settle or adjourn on the day of the hearing then the Assessing Officer shall allow such amount as is reasonable in the circumstances.* | 1 day preparation<br>½ day hearing | C | 4 785 |
| 6. | Applications and attendances before the warden | 1 hour | SLP | 396 |
| 7. | Offers of settlement, notices, practice directions, applications, declarations, memoranda, affidavits — | | | |
| | (a) Offers of settlement | 2 hours | SLP | 792 |
| | (b) Acceptance of offer of settlement | 2 hours | SLP | 792 |
| | (c) Other notices referred to or required by regulations or practice directions not otherwise specified in this scale | | | 143 |
| | (d) Preparation lodging and service of affidavits and statutory declarations not otherwise provided for | per hour | SLP | 396 |
| | (e) Drawing and serving of interlocutory orders (where ordered or required) | 2 hours | JLP | 594 |
| 8. | Getting up — | | | |
| | Preparation for hearing (includes work reasonably and necessarily undertaken prior to commencement of proceedings) | 50 hours | SLP | 19 800 |

| Item | | Time | Fee earner | Maximum amount $ |
|---|---|---|---|---|
| 9. | Hearing — | | | |
| | (a) Fee on brief for Counsel i.e. first day of hearing and preparation | 2 days preparation 1st day of trial | C | 7 975 |
| | (b) Fee on brief for Senior Counsel i.e. first day of hearing and preparation (where 2 or more Counsel are certified for) | 2 days preparation 1st day of trial | SC | 13 200 |
| | (c) Counsel fee for the second and each successive day of hearing | | C | 3 190 |
| | (d) Counsel fee for Senior Counsel for second and each successive day of hearing (where 2 or more Counsel are certified for) | | SC | 5 280 |
| | (e) Instructing legal practitioner attending hearing, where certified for | per hour | JLP | 297 |
| | (f) Clerk attending hearing<br>*Note: In relation to paragraphs (a)-(f) if —*<br>(1) The hearing lasts less than 2 hours; or<br>(2) The hearing does not commence and settles or adjourns on the day of the hearing,<br>then the Assessing Officer shall allow such amount as is reasonable in the circumstances. | | | |
| | (g) Attending on reserved determination | per hour | SLP | 396 |
| 10. | Mention hearings | per hour | SLP | 396 |
| 11. | Determinations — | | | |
| | (a) Settling and extracting determination — | | | |
| | (i) with appointment | 1 hour | JLP | 297 |
| | (ii) without appointment | 0.5 hours | PL | 198 |
| | (b) Issue of certified copy of determination | | | 143 |

| Item | | Time | Fee earner | Maximum amount $ |
|---|---|---|---|---|
| 12. | Enforcement —<br><br>Lodgment of an application to enforce a determination pursuant to *Civil Judgments Enforcement Act 2004* | | | 198 |
| 13. | Registration of determinations —<br><br>Registration of determinations including those under *Service and Execution of Process Act 1992* (Commonwealth) | | | 198 |
| 14. | Assessment of costs including drawing bill —<br><br>(a) Lodgment of bill of costs<br><br>(b) Drawing bill of costs, copies and service<br><br>(c) Making an objection to a bill<br><br>(d) Assessment of costs (including the time spent in preparing for the assessment) | | <br><br><br>SLP | <br><br>55<br><br>Such amounts as are reasonable in the circumstances |
| 15. | Copying —<br><br>Photocopies where necessary, including of documents for which allowance is otherwise made in this scale | per page | | 1.00 |
| 16. | Review by warden of a decision of a mining registrar | | | Amount calculated in accordance with item 5 |
| 17. | Accounts and inquiries —<br><br>Attending on taking accounts, inquiries | | SLP | Such amounts as are reasonable in the circumstances |
| 18. | Other work —<br><br>(a) Time reasonably spent by a legal practitioner on work requiring the skill of a legal practitioner (of the standing indicated) but not covered by any other item<br><br>or<br><br>(b) Time reasonably spent by a legal practitioner, or by a clerk or paralegal of a legal practitioner, on work not covered by any other item or by paragraph (a) | per hour<br><br><br><br>per hour | SC<br>SLP<br>C<br>JLP<br><br><br>SC<br>SLP<br>C<br>JLP<br>PL | 528<br>396<br>319<br>297<br><br><br><br>143 |

| Item | | Time | Fee earner | Maximum amount $ |
|---|---|---|---|---|
| 19. | Disbursements —<br>In addition to the fees and charges allowed under this Schedule —<br>(a) As between legal practitioner and client, a legal practitioner may charge and be allowed disbursements necessarily or reasonably incurred; and<br>(b) As between party and party, a party may be allowed disbursements necessarily or reasonably incurred. | | | |
| 20. | Allowances for witnesses —<br>The amount of any costs to be paid in respect of work done by a legal practitioner in conducting any proceedings in a case may include a reasonable allowance for —<br>(a) witnesses called because of their professional, scientific or other special skill or knowledge; and<br>(b) witnesses called other than those covered in paragraph (a). In fixing an allowance for witnesses under paragraph (b) including the applicant and respondent, the Assessing Officer may have regard to the amount of salary, wages or income (if any) actually lost by the witness. | | | |

*[Clause 3 inserted: Gazette 9 Mar 2007 p. 917-20; amended: Gazette 15 Jan 2010 p. 136; 4 Feb 2011 p. 393-5; 11 Sep 2015 p. 3746-8; SL 2022/118 r. 6(2) and 7.]*

# Notes

This is a compilation of the *Mining Regulations 1981* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, see the compilation table.

## Compilation table

| Citation | Published | Commencement |
|---|---|---|
| *Mining Regulations 1981* | 13 Nov 1981 p. 4601-76 | 1 Jan 1982 (see r. 1(2) and *Gazette* 11 Dec 1981 p. 5085) |
| *Mining Amendment Regulations 1982* | 6 Aug 1982 p. 3099 | 6 Aug 1982 |
| *Mining Amendment Regulations (No. 2) 1982* | 12 Nov 1982 p. 4490-1 (erratum 19 Nov 1982 p. 4578) | 10 Dec 1982 (see r. 2) |
| *Mining Amendment Regulations 1983* | 23 Dec 1983 p. 5001-2 | 1 Jan 1984 (see r. 2 and *Gazette* 23 Dec 1983 p. 4934) |
| *Mining Amendment Regulations 1984* | 16 Mar 1984 p. 725 | 16 Mar 1984 |
| *Mining Amendment Regulations (No. 2) 1984* | 15 Jun 1984 p. 1655-7 | 1 Jul 1984 (see r. 2) |
| *Mining Amendment Regulations 1986* | 30 May 1986 p. 1839-41 | 30 May 1986 |
| *Mining Amendment Regulations (No. 2) 1986* | 20 Jun 1986 p. 2083-6 | 1 Jul 1986 (see r. 2) |
| *Mining Amendment Regulations 1987* | 26 Jun 1987 p. 2526-8 | 1 Jul 1987 (see r. 2) |
| *Mining Amendment Regulations (No. 3) 1987* | 7 Aug 1987 p. 3134 | 7 Aug 1987 |
| *Mining Amendment Regulations (No. 5) 1987* | 21 Aug 1987 p. 3268 | 21 Aug 1987 |
| *Mining Amendment Regulations (No. 2) 1987* | 2 Oct 1987 p. 3811-37 (erratum 6 Nov 1987 p. 4110) | 16 Oct 1987 (see r. 2 and *Gazette* 16 Oct 1987 p. 3884) |
| *Mining Amendment Regulations (No. 6) 1987* | 6 Nov 1987 p. 4110 | 6 Nov 1987 |

| Citation | Published | Commencement |
|---|---|---|
| *Mining Amendment Regulations 1988* | 5 Feb 1988 p. 312 | 5 Feb 1988 |
| *Mining Amendment Regulations (No. 2) 1988* | 8 Apr 1988 p. 1165 | 8 Apr 1988 |
| *Mining Amendment Regulations (No. 3) 1988* | 20 May 1988 p. 1705-7 | 20 May 1988 |
| *Mining Amendment Regulations (No. 5) 1988* | 15 Jul 1988 p. 2474 | 15 Jul 1988 |
| *Mining Amendment Regulations (No. 4) 1988* | 22 Jul 1988 p. 2526-8 | 1 Aug 1988 (see r. 2) |
| **Reprint of the *Mining Regulations 1981* as at 11 Aug 1988***: Gazette* 24 Aug 1988 p. 3147-242 (includes amendments listed above) | | |
| *Mining Amendment Regulations 1989* | 3 Mar 1989 p. 688-9 | 3 Mar 1989 |
| *Mining Amendment Regulations (No. 2) 1989* | 30 Jun 1989 p. 2001 | 1 Jul 1989 (see r. 2) |
| *Mining Amendment Regulations (No. 3) 1989* | 21 Jul 1989 p. 2249-50 | 1 Aug 1989 (see r. 2) |
| *Mining Amendment Regulations (No. 5) 1989* | 22 Dec 1989 p. 4655 | 1 Jan 1990 (see r. 2) |
| *Mining Amendment Regulations 1990* | 20 Apr 1990 p. 2000 | 1 May 1990 (see r. 2) |
| *Mining Amendment Regulations (No. 3) 1990* | 22 Jun 1990 p. 3073 | 1 Jul 1990 (see r. 2) |
| *Mining Amendment Regulations (No. 2) 1990* | 22 Jun 1990 p. 3073-5 | 1 Jul 1990 (see r. 2) |
| *Mining Amendment Regulations (No. 4) 1990* | 16 Nov 1990 p. 5727-9 | 16 Nov 1990 |
| *Mining Amendment Regulations (No. 2) 1991* | 24 May 1991 p. 2593-4 | 24 May 1991 |
| *Mining Amendment Regulations 1991* | 31 May 1991 p. 2695-707 (corrigenda 7 Jun 1991 p. 2836 and 21 Jun 1991 p. 3057) | 1 Jul 1991 (see r. 2 and *Gazette* 28 Jun 1991 p. 3101) |
| *Mining Amendment Regulations (No. 3) 1991* | 21 Jun 1991 p. 3055-7 | 1 Jul 1991 (see r. 3) |

| Citation | Published | Commencement |
|---|---|---|
| *Mining Amendment Regulations (No. 5) 1991* | 5 Jul 1991 p. 3357-8 | 5 Jul 1991 |
| *Mining Amendment Regulations (No. 4) 1991* | 5 Jul 1991 p. 3358-9 | 5 Jul 1991 |
| *Mining Amendment Regulations (No. 6) 1991* | 8 Nov 1991 p. 5741-2 | 8 Nov 1991 |
| *Mining Amendment Regulations (No. 2) 1992* | 3 Jul 1992 p. 2973 | 3 Jul 1992 |
| *Mining Amendment Regulations 1992* | 31 Jul 1992 p. 3775-80 | 31 Jul 1992 |
| *Mining Amendment Regulations (No. 4) 1992* | 18 Dec 1992 p. 6127 | 18 Dec 1992 |
| *Mining Amendment Regulations 1993* | 2 Jul 1993 p. 3270-2 | 2 Jul 1993 |
| *Mining Amendment Regulations (No. 2) 1993* | 30 Jul 1993 p. 4157 | 30 Jul 1993 (see r. 2) |
| *Mining Amendment Regulations (No. 3) 1993* | 19 Nov 1993 p. 6274-5 | 19 Nov 1993 |
| *Mining Amendment Regulations (No. 4) 1993* | 26 Nov 1993 p. 6368 | 26 Nov 1993 |
| *Mining Amendment Regulations (No. 5) 1993* | 24 Dec 1993 p. 6828-30 | 24 Dec 1993 |
| *Mining Amendment Regulations (No. 6) 1993* | 24 Dec 1993 p. 6830-1 | 24 Dec 1993 |
| *Mining Amendment Regulations (No. 2) 1994* | 10 Jun 1994 p. 2411 | 1 Jul 1994 (see r. 2) |
| *Mining Amendment Regulations 1994* | 24 Jun 1994 p. 2927-43 | 1 Jul 1994 (see r. 2 and *Gazette* 24 Jun 1994 p. 2819) |
| *Mining Amendment Regulations (No. 3) 1994* | 9 Sep 1994 p. 4643 | 9 Sep 1994 |
| *Mining Amendment Regulations (No. 4) 1994* | 23 Dec 1994 p. 7114 | 1 Jan 1995 (see r. 2) |
| *Mining Amendment Regulations (No. 2) 1995* | 19 May 1995 p. 1881-2 | 19 May 1995 |
| *Mining Amendment Regulations (No. 3) 1995* | 30 Jun 1995 p. 2660 | 30 Jun 1995 |
| *Mining Amendment Regulations 1995* | 13 Oct 1995 p. 4813-23 | 13 Oct 1995 (see r. 2 and *Gazette* 13 Oct 1995 p. 4797) |

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|---|---|---|
| *Mining Amendment Regulations (No. 4) 1995* | 15 Dec 1995 p. 6114-15 | 15 Dec 1995 |
| **Reprint of the *Mining Regulations 1981* as at 18 Mar 1996** (includes amendments listed above) | | |
| *Mining Amendment Regulations (No. 2) 1996* | 19 Apr 1996 p. 1753 | 19 Apr 1996 |
| *Mining Amendment Regulations 1996* | 13 Sep 1996 p. 4598 | 13 Sep 1996 |
| *Mining Amendment Regulations 1997* | 4 Apr 1997 p. 1777-81 | 4 Apr 1997 |
| *Mining Amendment Regulations (No. 4) 1997* | 3 Oct 1997 p. 5530-5 | 3 Oct 1997 |
| *Mining Amendment Regulations (No. 2) 1998* | 17 Mar 1998 p. 1434-5 | 17 Mar 1998 |
| *Mining Amendment Regulations (No. 3) 1998* | 24 Apr 1998 p. 2153 | 24 Apr 1998 |
| *Mining Amendment Regulations 1998* | 12 Jun 1998 p. 3184 | 1 Jul 1998 (see r. 2) |
| *Mining Amendment Regulations 1999* | 11 Jun 1999 p. 2543-52 | 1 Jul 1999 (see r. 2) |
| *Mining Amendment Regulations (No. 2) 1999* | 18 Jun 1999 p. 2641-3 | 18 Jun 1999 |
| *Mining Amendment Regulations (No. 4) 1999* | 19 Nov 1999 p. 5791-2 | 19 Nov 1999 |
| *Mining Amendment Regulations (No. 3) 1999* | 21 Jan 2000 p. 344-5 | 21 Jan 2000 |
| *Mining Amendment Regulations 2000* | 8 Feb 2000 p. 453-4 | 8 Feb 2000 |
| *Mining Amendment Regulations (No. 3) 2000* | 14 Apr 2000 p. 1891-2 | 14 Apr 2000 |
| *Mining Amendment Regulations (No. 2) 2000* | 16 Jun 2000 p. 2951-2 | 1 Jul 2000 (see r. 2) |
| *Mining Amendment Regulations (No. 4) 2000* | 16 Jun 2000 p. 2952-7 | 1 Jul 2000 (see r. 2) |
| *Mining Amendment Regulations (No. 5) 2000* | 30 Jun 2000 p. 3473-4 | 1 Jul 2000 (see r. 2) |
| **Reprint of the *Mining Regulations 1981* as at 21 Jul 2000** (includes amendments listed above) | | |

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|---|---|---|
| *Mining Amendment Regulations (No. 6) 2000* | 15 Dec 2000 p. 7219-24 | 16 Dec 2000 (see r. 2 and *Gazette* 15 Dec 2000 p. 7201) |
| *Mining Amendment Regulations (No. 7) 2000* | 5 Jan 2001 p. 125 | 5 Jan 2001 |
| *Mining Amendment Regulations 2001* | 2 Feb 2001 p. 704-11 | 3 Feb 2001 (see r. 2 and *Gazette* 2 Feb 2001 p. 697) |
| *Mining Amendment Regulations (No. 2) 2001* | 2 Feb 2001 p. 711-14 | 2 Feb 2001 |
| *Mining Amendment Regulations (No. 3) 2001* | 27 Apr 2001 p. 2202 | 27 Apr 2001 |
| *Mining Amendment Regulations (No. 4) 2001* | 3 Aug 2001 p. 3971 | 3 Aug 2001 |
| *Mining Amendment Regulations (No. 5) 2001* | 17 Aug 2001 p. 4347 | 17 Aug 2001 |
| *Corporations (Consequential Amendments) Regulations 2001* Pt. 8 | 28 Sep 2001 p. 5353-8 | 15 Jul 2001 (see r. 2 and Cwlth *Gazette* 13 Jul 2001 No. S285) |
| *Mining Amendment Regulations (No. 6) 2001* [6] | 14 Dec 2001 p. 6403-8 | 1 Jan 2002 (see r. 2) |
| *Mining Amendment Regulations 2002* | 8 Feb 2002 p. 606-8 | 23 Apr 2002 (see r. 2 and *Gazette* 21 May 2002 p. 2600) |
| *Mining Amendment Regulations (No. 4) 2002* | 28 Jun 2002 p. 3087-9 | 1 Jul 2002 (see r. 2) |
| *Mining Amendment Regulations (No. 2) 2002* | 23 Jul 2002 p. 3425 | 23 Jul 2002 |
| **Reprint of the *Mining Regulations 1981* as at 25 Jul 2002** (includes amendments listed above) | | |
| *Mining Amendment Regulations (No. 3) 2002* | 27 Aug 2002 p. 4356-7 | 1 Jan 2003 (see r. 2) |
| *Mining Amendment Regulations (No. 7) 2002* [7] | 13 Dec 2002 p. 5803-6 | 1 Jan 2003 (see r. 2) |
| *Mining Amendment Regulations (No. 5) 2002* | 17 Jan 2003 p. 105-9 | 18 Jan 2003 (see r. 2 and *Gazette* 17 Jan 2003 p. 105) |
| *Mining Amendment Regulations (No. 6) 2002* | 17 Jan 2003 p. 109-14 | 17 Jan 2003 |
| *Mining Amendment Regulations 2003* | 20 Jun 2003 p. 2241-3 | 1 Jul 2003 (see r. 2) |
| *Mining Amendment Regulations (No. 2) 2003* | 15 Aug 2003 p. 3693-4 | 15 Aug 2003 |

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|---|---|---|
| *Mining Amendment Regulations (No. 2) 2004* | 25 Jun 2004 p. 2243-5 | 1 Jul 2004 (see r. 2) |
| **Reprint 5: The *Mining Regulations 1981* as at 16 Jul 2004** (includes amendments listed above) | | |
| *Mining Amendment Regulations (No. 3) 2004* | 20 Aug 2004 p. 3619-21 | 1 Jul 2005 (see r. 2) |
| *Mining Amendment Regulations (No. 5) 2004* [8] | 28 Jan 2005 p. 360-2 | 1 Jul 2005 (see r. 2) |
| *Mining Amendment Regulations (No. 3) 2005* | 20 May 2005 p. 2159 | 1 Jul 2005 (see r. 2) |
| *Mining Amendment Regulations (No. 4) 2005* | 24 Jun 2005 p. 2769-71 | 1 Jul 2005 (see r. 2) |
| *Mining Amendment Regulations (No. 3) 2006* | 3 Feb 2006 p. 519-28 | 11 Feb 2006 (see r. 2) |
| *Mining Amendment Regulations (No. 2) 2006* [9] | 3 Feb 2006 p. 573-605 | 10 Feb 2006 (see r. 2) |
| *Mining Amendment Regulations 2006* | 7 Feb 2006 p. 622-3 | 7 Feb 2006 |
| *Mining Amendment Regulations (No. 4) 2006* | 4 Apr 2006 p. 1409 | 4 Apr 2006 |
| **Reprint 6: The *Mining Regulations 1981* as at 7 Apr 2006** (includes amendments listed above) | | |
| *Mining Amendment Regulations (No. 6) 2006* | 23 Jun 2006 p. 2219-22 | 1 Jul 2006 (see r. 2) |
| *Mining Amendment Regulations 2007* | 9 Mar 2007 p. 861-920 | 31 Mar 2007 (see r. 2 and *Gazette* 9 Mar 2007 p. 847) |
| *Mining Amendment Regulations (No. 3) 2007* | 22 Jun 2007 p. 2857-60 | r. 1 and 2: 22 Jun 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2007 (see r. 2(b)) |
| **Reprint 7: The *Mining Regulations 1981* as at 5 Oct 2007** (includes amendments listed above) | | |
| *Mining Amendment Regulations (No. 2) 2008* | 20 Jun 2008 p. 2728-31 | r. 1 and 2: 20 Jun 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2008 (see r. 2(b)) |

| Citation | Published | Commencement |
|---|---|---|
| *Mining Amendment Regulations 2008* | 1 Aug 2008 p. 3455-6 | r. 1 and 2: 1 Aug 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 2 Aug 2008 (see r. 2(b) and *Gazette* 1 Aug 2008 p. 3455) |
| *Mining Amendment Regulations (No. 2) 2009* | 12 Jun 2009 p. 2131-3 | r. 1 and 2: 12 Jun 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2009 (see r. 2(b)) |
| *Mining Amendment Regulations 2009* | 15 Jan 2010 p. 97-136 | r. 1 and 2: 15 Jan 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 16 Jan 2010 (see r. 2(b)) |
| *Mining Amendment Regulations 2010* | 5 Mar 2010 p. 849-50 | r. 1 and 2: 5 Mar 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 6 Mar 2010 (see r. 2(b)) |
| **Reprint 8: The *Mining Regulations 1981* as at 14 May 2010** (includes amendments listed above) | | |
| *Mining Amendment Regulations (No. 2) 2010* | 11 Jun 2010 p. 2633-5 | r. 1 and 2: 11 Jun 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2010 (see r. 2(b)) |
| *Mining Amendment Regulations 2011* | 4 Feb 2011 p. 392-5 | r. 1 and 2: 4 Feb 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 5 Feb 2011 (see r. 2(b)) |
| *Mining Amendment Regulations (No. 2) 2011* | 1 Mar 2011 p. 684-5 | r. 1 and 2: 1 Mar 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 2 Mar 2011 (see r. 2(b)) |
| *Mining Amendment Regulations (No. 3) 2011* | 18 Mar 2011 p. 911-25 | r. 1 and 2: 18 Mar 2011 (see r. 2(a)); Regulations other than r. 1, 2 and 28: 21 Mar 2011 (see r. 2(c) and *Gazette* 18 Mar 2011 p. 909); r. 28: 1 Jul 2011 (see r. 2(b) and *Gazette* 18 Mar 2011 p. 909) |

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|---|---|---|
| *Mining Amendment Regulations (No. 4) 2011* | 24 Jun 2011 p. 2510-15 | r. 1 and 2: 24 Jun 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2011 (see r. 2(b)) |
| *Mining Amendment Regulations (No. 5) 2011* | 11 Oct 2011 p. 4315-16 | r. 1 and 2: 11 Oct 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 12 Oct 2011 (see r. 2(b)) |
| **Reprint 9: The *Mining Regulations 1981* as at 14 Oct 2011** (includes amendments listed above) | | |
| *Mining Amendment Regulations (No. 6) 2011* | 20 Dec 2011 p. 5402 | r. 1 and 2: 20 Dec 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 21 Dec 2011 (see r. 2(b)) |
| *Mining Amendment Regulations 2012* | 24 Feb 2012 p. 812-13 | r. 1 and 2: 24 Feb 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 25 Feb 2012 (see r. 2(b)) |
| *Mining Amendment Regulations (No. 2) 2012* | 19 Jun 2012 p. 2650-1 | r. 1 and 2: 19 Jun 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 30 Jun 2012 (see r. 2(b)) |
| *Mining Amendment Regulations (No. 3) 2012* | 22 Jun 2012 p. 2791-5 | r. 1 and 2: 22 Jun 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2012 (see r. 2(b)) |
| *Mining Amendment Regulations (No. 4) 2012* | 9 Nov 2012 p. 5399-456 | r. 1 and 2: 9 Nov 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 10 Nov 2012 (see r. 2(b)) |
| *Mining Amendment Regulations (No. 5) 2012* | 7 Dec 2012 p. 5994-6 | r. 1 and 2: 7 Dec 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 8 Dec 2012 (see r. 2(b)) |
| *Mining Amendment Regulations 2013* | 1 Feb 2013 p. 450-5 | r. 1 and 2: 1 Feb 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 2 Feb 2013 (see r. 2(b) and *Gazette* 1 Feb 2013 p. 447) |
| **Reprint 10: The *Mining Regulations 1981* as at 19 Apr 2013** (includes amendments listed above) | | |

| Citation | Published | Commencement |
|---|---|---|
| *Mining Amendment Regulations (No. 2) 2013* | 26 Jul 2013 p. 3356-9 | r. 1 and 2: 26 Jul 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Aug 2013 (see r. 2(b)) |
| *Mining Amendment Regulations 2014* | 13 Jun 2014 p. 1898 | r. 1 and 2: 13 Jun 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 14 Jun 2014 (see r. 2(b)) |
| *Mining Amendment Regulations (No. 2) 2014* | 20 Jun 2014 p. 2035-8 | r. 1 and 2: 20 Jun 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2014 (see r. 2(b)) |
| *Mining Amendment Regulations (No. 4) 2014* | 28 Nov 2014 p. 4415-20 | r. 1 and 2: 28 Nov 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 29 Nov 2014 (see r. 2(b)) |
| *Mining Amendment Regulations (No. 3) 2015* | 26 Jun 2015 p. 2257-60 | r. 1 and 2: 26 Jun 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2015 (see r. 2(b)) |
| *Mining Amendment Regulations (No. 4) 2015* | 11 Sep 2015 p. 3745-8 | r. 1 and 2: 11 Sep 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 12 Sep 2015 (see r. 2(b)) |
| *Mining Amendment Regulations (No. 5) 2015* | 6 Oct 2015 p. 3967-8 | r. 1 and 2: 6 Oct 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 7 Oct 2015 (see r. 2(b)) |
| *Mining Amendment Regulations (No. 6) 2015* | 6 Oct 2015 p. 3969 | r. 1 and 2: 6 Oct 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 7 Oct 2015 (see r. 2(b)) |
| **Reprint 11: The *Mining Regulations 1981* as at 3 Jun 2016** (includes amendments listed above) | | |
| *Mining and Offshore Minerals Regulations Amendment (Fees and Rents) Regulations 2016* Pt. 2 | 24 Jun 2016 p. 2335-8 | 1 Jul 2016 (see r. 2(b)) |
| *Mines and Petroleum Regulations Amendment (Fees and Charges) Regulations 2017* Pt. 8 | 23 Jun 2017 p. 3279-309 | 1 Jul 2017 (see r. 2(b)) |
| *Mining Amendment Regulations 2017* | 5 Sep 2017 p. 4681-5 | r. 1 and 2: 5 Sep 2017 (see r. 2(a)); Regulations other than r. 1 and 2: 6 Sep 2017 (see r. 2(b)) |

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|---|---|---|
| *Mining Amendment Regulations (No. 2) 2017* [10] | 29 Sep 2017 p. 4986-7 | r. 1 and 2: 29 Sep 2017 (see r. 2(a)); Regulations other than r. 1 and 2: 30 Sep 2017 (see r. 2(b)) |
| *Mining Amendment Regulations (No. 3) 2017* [11] | 24 Nov 2017 p. 5682-3 | r. 1 and 2: 24 Nov 2017 (see r. 2(a)); Regulations other than r. 1 and 2: 25 Nov 2017 (see r. 2(b)) |
| *Mining Amendment Regulations (No. 4) 2017* | 22 Dec 2017 p. 5989-93 | r. 1 and 2: 22 Dec 2017 (see r. 2(a)); Regulations other than r. 1 and 2: 22 Jan 2018 (see r. 2(b)) |
| *Mining Amendment Regulations (No. 2) 2018* | 4 May 2018 p. 1477-9 | r. 1 and 2: 4 May 2018 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2018 (see r. 2(b)) |
| *Mines and Petroleum Regulations Amendment (Fees and Charges) Regulations 2018* Pt. 8 | 25 Jun 2018 p. 2297-324 | 1 Jul 2018 (see r. 2(b)) |
| *Mining Amendment Regulations 2018* | 24 Jul 2018 p. 2651-3 | r. 1 and 2: 24 Jul 2018 (see r. 2(a)); Regulations other than r. 1 and 2: 25 Jul 2018 (see r. 2(b)) |
| *Mining Amendment Regulations (No. 3) 2018* | 18 Sep 2018 p. 3516-18 | r. 1 and 2: 18 Sep 2018 (see r. 2(a)); Regulations other than r. 1 and 2: 19 Sep 2018 (see r. 2(b)) |
| **Reprint 12: The *Mining Regulations 1981* as at 16 Nov 2018** (includes amendments listed above) | | |
| *Mining Amendment Regulations (No. 3) 2019* | 24 May 2019 p. 1493-4 | r. 1 and 2: 24 May 2019 (see r. 2(a)); Regulations other than r. 1 and 2: 25 May 2019 (see r. 2(b)) |
| *Mines and Petroleum Regulations Amendment (Fees and Charges) Regulations 2019* Pt. 7 | 18 Jun 2019 p. 2040-56 | 1 Jul 2019 (see r. 2(b)) |
| *Mining Amendment Regulations 2019* | 13 Dec 2019 p. 4231-40 | r. 1 and 2: 13 Dec 2019 (see r. 2(a)); Regulations other than r. 1 and 2: 16 Dec 2019 (see r. 2(b)) |

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|---|---|---|
| *Mining Amendment Regulations (No. 3) 2020* | SL 2020/25 27 Mar 2020 | r. 1 and 2: 27 Mar 2020 (see r. 2(a)); Regulations other than r. 1 and 2: 28 Mar 2020 (see r. 2(b)) |
| *Mines and Petroleum Regulations Amendment (Fees and Charges) Regulations 2020* Pt. 4 | SL 2020/93 26 Jun 2020 | 1 Jul 2020 (see r. 2(b)) |
| *Mining Amendment (COVID-19 Response) Regulations 2020* | SL 2020/108 30 Jun 2020 | r. 1 and 2: 30 Jun 2020 (see r. 2(a)); Regulations other than r. 1, 2, 4(3), 6 and 7(2): 1 Jul 2020 (see r. 2(c)); r. 4(3), 6 and 7(2): 1 Jul 2021 (see r. 2(b)) |
| *Mining Amendment Regulations (No. 4) 2020* | SL 2020/117 17 Jul 2020 | r. 1 and 2: 17 Jul 2020 (see r. 2(a)); Regulations other than r. 1 and 2: 18 Jul 2020 (see r. 2(b)) |
| *Mining Amendment Regulations (No. 2) 2020* | SL 2020/119 17 Jul 2020 | r. 1 and 2: 17 Jul 2020 (see r. 2(a)); Regulations other than r. 1 and 2: 18 Jul 2020 (see r. 2(b)) |
| *Mining Amendment Regulations (No. 2) 2021* | SL 2021/43 23 Apr 2021 | r. 1 and 2: 23 Apr 2021 (see r. 2(a)); Regulations other than r. 1 and 2: 24 Apr 2021 (see r. 2(b) and SL 2021/44 r. 2(b)) |
| *Mines and Petroleum Regulations Amendment (Fees and Charges) Regulations 2021* Pt. 8 | SL 2021/85 21 Jun 2021 | 1 Jul 2021 (see r. 2(b)) |
| *Mines and Petroleum Regulations Amendment (Royalty Information) Regulations 2022* Pt. 2 | SL 2022/1 14 Jan 2022 | 15 Jan 2022 (see r. 2(b)) |
| *Mines and Petroleum Regulations Amendment (Fees and Charges) Regulations 2022* Pt. 7 | SL 2022/58 20 May 2022 | 1 Jul 2022 (see r. 2(b)) |
| *Mining Amendment Regulations 2022* | SL 2022/118 30 Jun 2022 | r. 1 and 2: 30 Jun 2022 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2022 (see r. 2(b) and SL 2022/113 cl. 2) |

| Citation | Published | Commencement |
|---|---|---|
| *Mining Amendment Regulations (No. 2) 2022* | SL 2022/210 16 Dec 2022 | r. 1 and 2: 16 Dec 2022 (see r. 2(a)); Regulations other than r. 1 and 2: 17 Dec 2022 (see r. 2(b)) |
| *Mines and Petroleum Regulations Amendment (Fees and Charges) Regulations 2023* Pt. 7 | SL 2023/36 5 May 2023 | 1 Jul 2023 (see r. 2(b)) |
| *Mining Amendment Regulations (No. 2) 2023* | SL 2023/127 9 Aug 2023 | r. 1 and 2: 9 Aug 2023 (see r. 2(a)); Regulations other than r. 1 and 2: 10 Aug 2023 (see r. 2(b) and SL 2023/132 cl. 2) |
| *Mining Amendment Regulations (No. 3) 2023* | SL 2023/144 20 Sep 2023 | r. 1 and 2: 20 Sep 2023 (see r. 2(a)) Regulations other than r. 1 and 2: 1 Oct 2023 (see r. 2(b)) |
| *Mines and Petroleum Regulations Amendment (Fees and Charges) Regulations 2024* Pt. 7 | SL 2024/97 12 Jun 2024 | 1 Jul 2024 (see r. 2(b)) |
| *Mining Amendment Regulations (No. 4) 2024* | SL 2024/183 4 Sep 2024 | r. 1 and 2: 4 Sep 2024 (see r. 2(a)) Regulations other than r. 1 and 2: 16 Sep 2024 (see r. 2(b)) |
| *Mines and Petroleum Regulations Amendment (Fees and Charges) Regulations 2025* Pt. 8 | SL 2025/90 11 Jun 2025 | 1 Jul 2025 (see r. 2(b)) |
| *Mines and Petroleum Regulations Amendment (Transfer of Royalty Administration) Regulations 2025* Pt. 2 | SL 2025/153 28 Aug 2025 | 1 Sep 2025 (see r. 2(b)) |
| *Mining Regulations Amendment Regulations 2025* Pt. 2 | SL 2025/156 28 Aug 2025 | 9 Sep 2025 (see r. 2(b) and SL 2025/152 cl. 2) |
| *Mines and Petroleum Regulations Amendment (Geocentric Datum) Regulations 2025* Pt. 2 | SL 2025/172 2 Oct 2025 | 3 Oct 2025 (see r. 2(b)) |
| *Mining Amendment Regulations 2025* | SL 2025/183 29 Oct 2025 | r. 1 and 2: 29 Oct 2025 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Nov 2025 (see r. 2(b)(i)) |
| *Mines and Petroleum Regulations Amendment Regulations 2026* Pt 2 | SL 2026/82 27 May 2026 | 28 May 2026 (see r. 2(b) and SL 2026/70 cl. 2) |

| Citation | Published | Commencement |
|---|---|---|
| *Mines and Petroleum Regulations Amendment (Fees and Charges) Regulations 2026* Pt. 2 | SL 2026/124 24 Jun 2026 | 1 Jul 2026 (see r. 2(b)) |
| *Mines and Petroleum Legislation Amendment (Geocentric Datum) Regulations 2026* Pt. 2 | SL 2026/231 11 Nov 2026 | 12 Nov 2026 (see r. 2(b)) |

## Other notes

1 The *Mining Amendment Act 1990* commenced 28 Jun 1991.

2 Formerly referred to the *Licensed Surveyors (Guidance of Surveyors) Regulations 1961*, the citation of which was changed to the *Licensed Surveyors (General Surveying Practice) Regulations 1961* by the *Licensed Surveyors (Guidance of Surveyors) Amendment Regulations 2013*. The reference was changed under the *Reprints Act 1984* s. 7(3)(gb).

3 The *Mining Amendment Act 1993* s. 28 commenced 1 Jul 1994.

4 ~~No~~Footnote no longer required.

5 The *Acts Amendment (Australian Datum) Act 2000* s. 5 commenced 16 Dec 2000.

6 The *Mining Amendment Regulations (No. 6) 2001* r. 13 reads as follows:

> **13. Saving**
>
> Despite the amendments effected by these regulations, the *Mining Regulations 1981* as in force immediately before the commencement of these regulations continue to apply in relation to the determination and payment of, and returns in respect of, royalties for minerals first sold, transferred or otherwise disposed of before that commencement.

7 The *Mining Amendment Regulations (No. 7) 2002* r. 6(2) is a savings provision that is of no further effect.

8 The *Mining Amendment Regulations (No. 5) 2004* r. 4(2) reads as follows:

> (2) Despite the amendment effected by subregulation (1), the Table to regulation 86 of the *Mining Regulations 1981* as in force immediately before the commencement of these regulations continues to apply for the purpose of determining the rate of royalty payable for ilmenite produced before that commencement.

[9] The *Mining Amendment Regulations (No. 2) 2006* r. 10(7) and (8) read as follows:

> (7) Despite the amendments made by this regulation, where, in relation to an existing licence, the commencement day is a day other than the anniversary date of the commencement of the term of the existing licence, regulation 21 of the *Mining Regulations 1981* as in force immediately before the commencement day continues to apply for the purpose of determining the expenditure required for the year of the term of the existing licence in which the commencement day falls.
>
> (8) In subregulation (7) —
>
> ***commencement day*** means the day on which these regulations come into operation;
>
> ***existing licence*** means an exploration licence in force under the Act on the day on which these regulations come into operation.

[10] Disallowed on 12 Oct 2017 see *Gazette* 17 Oct 2017 p. 5345.

[11] Disallowed on 28 Nov 2017 see *Gazette* 1 Dec 2017 p. 5749.

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