MINING REGULATIONS 1981.
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FIRST SCHEDULE
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Schedule of Fees and Rents
MINING ACT 1978
INTERPRETATION ACT 1918
MINING REGULATIONS 1981

Made by His Excellency the Governor in Executive Council.

PART I—PRELIMINARY

1. (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. In these regulations unless the contrary intention appears—

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

"Part" means a Part of these regulations;

"prescribed fee" means the relevant fee set out in the second Schedule;

"quarterly period" means each period of three calendar months from the date on which the term of a mining tenement commences;

"regulation" means one of these regulations;

"subregulation" means a subregulation of the regulation wherein the term is used;

"the Act" means the Mining Act 1978-1981.

PART II—MINER’S RIGHTS

3. A Miner's Right shall be in the form No. 1 in the First Schedule.

4. The quantity of each sample or specimen which the holder of a Miner's Right may extract and remove from Crown land for testing purposes pursuant to section 20(2) of the Act shall not exceed 20 kilograms.

PART III—MINING ON PRIVATE LAND

5. Application under section 30 of the Act for a permit to enter on private land shall be:

(a) lodged at the office of the mining registrar in the form No. 2 in the First Schedule together with the prescribed fee; and

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

6. A permit to enter upon private land shall be in the form No. 3 in the First Schedule.

7. The notice required to be given under section 33(1) of the Act shall be in the form No. 21 in the First Schedule and be served within 14 days of the date of application.

8. (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 with the Department at Perth, 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 quantities.

(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.

9. The right of way required under section 29(7) (b) of the Act shall be marked by clearly delineating it on a map which shall be lodged at the office of the mining registrar.
PART IV—MINING TENEMENTS

Division 1—Prospecting Licences

10. The consents in writing referred to in section 29(6) of the Act shall be filed with the Under Secretary for Mines at the Department of Mines in Perth.

11. An applicant for a prospecting licence shall comply with the regulations in Part V as to marking out and applying for the licence.

12. An application for a prospecting licence shall be accompanied by rent of 50 cents per hectare or part thereof with a minimum of $10.00.

13. The instrument of licence for a prospecting licence shall be in the form No. 4 in the First Schedule.

14. The holder of a prospecting licence shall not extract or remove from such tenement more than 500 tonnes of ore, without first obtaining the approval in writing of the Minister; and the extraction or removal of ore of a larger tonnage, without such written approval, shall render the prospecting licence liable to forfeiture.

15. (1) The holder of a prospecting licence shall expend 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 wages he would otherwise be entitled to if similarly employed elsewhere in the district shall be deemed to have been expended.

(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 quarterly period from the date of surrender to the next anniversary date of the commencement of the term of the licence.

16. The reports required under section 51 of the Act shall be in the form No. 5 in the First Schedule and filed within 60 days after each anniversary date of the commencement of the term of the licence or within 60 days of the surrender, forfeiture, expiry or other cancellation of the licence, or within such further period as the Minister may approve prior to the date due for filing of the report.

Division 2—Exploration Licences

17. 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. An application for an exploration licence shall be accompanied by—

(a) an application fee of $150.00; and

(b) rent of $18.00 per square kilometre or part thereof.

19. The instrument of licence for an exploration licence shall be in the form No. 6 in the First Schedule.

20. The holder of an exploration licence shall not extract or remove from such tenement more than 1,000 tonnes of ore, without first obtaining the approval in writing of the Minister; and the extraction or removal of ore of a larger tonnage, without such written approval, shall render the exploration licence liable to forfeiture.

21. (1) The holder of an exploration licence shall expend in mining on or in connection with mining on the licence not less than $300 for each square kilometre or part thereof of the area of the licence with a minimum of $20,000 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 wages he would otherwise be entitled to if similarly employed elsewhere in the district shall be deemed to have been expended.
(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 quarterly period from the date of surrender to the next anniversary date of the commencement of the term of the licence.

22. The reports required under section 68 (2) of the Act shall be a report on operations on the mining tenement in the form No. 5 in the First Schedule to be filed within 60 days after—

(i) each anniversary date of the commencement of the term of the licence;
(ii) the surrender, forfeiture, expiry or other cancellation of the licence;
(iii) the surrender of any portion of the licence, relating to all work done during the tenure of the licence on that surrendered portion,
or within such further period as the Minister may approve prior to the date due for filing of the report.

23. The notification required under section 65 (3) of the Act shall be in the form No. 7 in the First Schedule.

Division 3—Mining Leases

24. An applicant for a mining lease shall comply with the regulations in Part V as to marking out and applying for the lease.

25. An application for a mining lease shall be accompanied by—

(a) an application fee of $15.00;
(b) rent of $6.00 per hectare or part thereof; and
(c) the survey fee as prescribed in the Second Schedule.

26. The instrument of lease for a mining lease shall be in the form No. 8 in the First Schedule.

27. Every mining lease shall contain and be subject to the following covenants that the lessee shall—

(a) pay the rents and royalties due under the lease at the prescribed time and in the prescribed manner;
(b) use the land in respect of which the lease is granted only for mining purposes in accordance with the Act;
(c) comply with the prescribed expenditure conditions applicable to such land unless partial or total exemption therefrom is granted in such manner as is prescribed;
(d) not assign, underlet or part with possession of 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;
(e) lodge with the Department at Perth such periodical reports and returns as may be prescribed; and
(f) 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 mining lease.

28. In addition to the covenants and 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 the State Mining Engineer are likely to endanger the safety of any person or animal will be filled in or otherwise made safe to the satisfaction of the State Mining Engineer.

29. Application for renewal of a mining lease shall be made in the form No. 9 in the First Schedule and lodged at the office of the mining registrar together with the duplicate instrument of lease (if issued) at any time within the final year of the term of the mining lease prior to the expiry date.

30. When the holder of a prospecting licence granted under section 70(8) of the Act makes application for a mining lease for gold or precious stones in respect of the land or any part thereof he shall within 14 days of the date of
application serve notice in the form No. 21 in the First Schedule on the holder of the exploration licence.

31. (1) The holder of a mining lease shall expend 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 wages he would otherwise be entitled to if similarly employed elsewhere in the district shall be deemed to have been expended:

Provided that where the area of a mining lease does not exceed five hectares the minimum annual expenditure shall be $5 000.

(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 quarterly period from the date of surrender to the next anniversary date of the commencement of the term of the lease.

32. The reports required under section 82(1) of the Act shall be in the form No. 5 in the First Schedule and filed within 60 days after:

(a) each anniversary date of the commencement of the term of the lease;

(b) the surrender, forfeiture, expiry or other cancellation of the lease; and

(c) the surrender of any portion of the lease, relating to all work done during the tenure of the lease on that surrendered portion.

Division 4.—General Purpose Leases

33. 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. An application for a general purpose lease shall be accompanied by—

(a) an application fee of $15.00;

(b) rent of $6.00 per hectare or part thereof; and

(c) the survey fee as prescribed in the Second Schedule.

35. The instrument of lease for a general purpose lease shall be in the form No. 10 in the First Schedule.

36. 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;

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

(c) not assign, underlet or part with possession of 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;

(d) lodge with the Department at Perth such periodical reports as are approved by the Under Secretary as being required in respect of a general purpose lease;

(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.

Division 5.—Miscellaneous Licences

37. (1) A miscellaneous licence shall be marked out by erecting substantial posts projecting not less than 1 metre above the ground at each extremity of the land in respect of which the licence is sought; and by affixing a notice in the form No. 20 in the First Schedule and a map as referred to in section 99(2) of the Act to one of such posts to be known as the datum post.
(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.

38. A miscellaneous licence may be of any shape but the boundaries of the land shall where practicable comprise straight lines.

39. An application for a miscellaneous licence shall be accompanied by rent of $6.00 per hectare or part thereof.

40. At the hearing of an application for a miscellaneous licence the applicant shall in addition to any other information requested by the warden, supply details of any works to be constructed in connection with the licence, the proposed manner of construction thereof, and any operations to be carried out thereon.

41. 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;
   (b) continuously use the licence for the purpose for which it was granted;
   (c) not assign, underlet or part with possession of 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;
   (d) lodge with the Department at Perth such periodical reports as are approved by the Under Secretary as being required in respect of a miscellaneous licence;
   (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.

42. The instrument of licence for a miscellaneous licence shall be in the form No. 11 in the First Schedule.

Division 6—Surrenders and Forfeitures

43. (1) The holder of a mining tenement wishing to surrender in whole such tenement shall execute a surrender in the form No. 12 in the First Schedule and shall lodge the surrender with the instrument of lease or licence (if issued).

   (2) any such surrender may be conditional upon an application for a new mining tenement of the whole or any part thereof being granted to the holder.

44. (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 in respect of an exploration licence the part remaining shall consist of no more than three discrete areas each of which is rectangular (without any restriction as to the ratio of length to breadth) or as near thereto as is practicable.

   (2) Any such surrender may be conditional upon an application for a new mining tenement of the whole or any part of the area surrendered being granted to the holder.

45. (1) Where a mining tenement is being surrendered as to part only the holder shall—
Partial surrender to be endorsed on instrument of lease/licence. Consent of mortgagee to surrender.

Forfeiture for non-payment of rent etc.

Plaint for forfeiture.

Notice to holder of mining tenement of intended forfeiture.

(a) in the case of a mining tenement other than an exploration licence, comply with subregulations (2) to (4);
(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.

(2) Additional posts and pegs 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 in lieu of a notice of marking out, a notice of re-marking in the form No. 13 in the First Schedule, shall be used.

(3) A partial surrender in the form No. 14 in the First Schedule shall be executed and lodged with the instrument of lease or licence (if issued), a fee of $6.00, and where applicable the prescribed survey fee for re-survey of the retained portion.

(4) Any posts, pegs 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.

46. 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. (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 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.

48. An application for the forfeiture of a mining tenement under section 96(1) (b) or section 98 of the Act shall be made by way of plaint in the form No. 33 in the First Schedule.

49. (1) An application for the forfeiture of a mining tenement under section 96(1) (a) of the Act shall be in the form No. 15 in the First Schedule.

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

(a) written notification of the intended hearing to be forwarded by post to the holder of the mining tenement, at least 30 days prior to the fixed date, addressed to him at his last known place of abode or business;

(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) An objection in the form No. 16 in the First Schedule against the warden making an order for forfeiture referred to in subregulation (2) may be lodged at the office of the mining registrar with the prescribed fee at any time prior to the fixed date, and the warden shall hear and determine the matter.

50. The Minister may, before declaring under section 96A (1) of the Act that an exploration 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 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 posted to that holder at his last known place of abode or business giving notice of the intended forfeiture of the exploration licence or of the mining lease or general purpose lease; and

(b) if the exploration 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.

51. Application in the form No. 17 in the First Schedule for re-instatement of a mining tenement forfeited under the Act or these regulations shall be lodged at the office of the mining registrar with the prescribed fee.

52. It shall not be obligatory on the holder of any mining tenement to comply with the expenditure conditions thereof after a plaint claiming forfeiture has been lodged until 7 days after the determination thereon.

53. Where a mining tenement that is liable to forfeiture is encumbered by a mortgage then at the same time as notification is sent to the holder pursuant to regulations 49 and 50 the warden or Minister as the case may be shall cause a copy of the notification to be forwarded to the mortgagee by post.

Division 7—Exemptions

54. Every application for a certificate of exemption in respect of a mining tenement shall be made in the form No. 18 in the First Schedule and lodged at the office of the mining registrar with the prescribed fee.

55. If the amount in respect of which a certificate of exemption is applied for under section 102 of the Act exceeds one-twelfth of the amount required to be expended in any one year in respect of the mining tenement to which that application relates, the mining registrar shall on the lodging of that application—

(a) set a date, being not less than 21 days from the date of that lodging, on or before which a person may lodge an objection in the form No. 16 in the First Schedule against that application; and

(b) post a copy of that application on the notice board at his office.

56. (1) After the time allowed for lodging objections, the warden shall, in open court, receive evidence in support of the application and of any objection thereto, but, in the absence of any objection being lodged, the warden may accept evidence by way of statutory declaration without requiring the applicant to attend the Court.

(2) As soon as practicable after the hearing the mining registrar shall forward to the Department at Perth the warden's notes of evidence and recommendation for the decision of the Minister.

57. If the amount in respect of which a certificate of exemption is applied for under section 102 of the Act does not exceed one-twelfth of the amount required to be expended in any one year in respect of the mining tenement to which that application relates, the mining registrar may himself in his discretion grant or refuse that application.

58. A certificate of exemption shall be in the form No. 19 in the First Schedule.
PART V—GENERAL REGULATIONS

Division 1—Marking out Mining Tenements

59. A mining tenement shall, unless where otherwise expressly provided, be marked out in the following manner:

(a) by fixing firmly in the ground at each corner or angle of the mining tenement, or as near as practicable thereto, a substantial post or cairn of stones projecting not less than 1 metre above the surface of the ground and set in the angle of two trenches commencing between 1.5 and 2 metres from the post or cairn, not less than 1 metre in length and 15 centimetres deep, cut in the direction of the boundary lines;

(b) by fixing firmly in the ground at intervals not exceeding 300 metres along each of the boundary lines of the mining tenement, substantial pegs or cairns of stones projecting not less than 1 metre above the surface of the ground and set between two trenches not less than 1 metre in length and 15 centimetres deep, cut in the direction of the boundary line on which it is so fixed, but such pegs and trenches are not required in respect to any boundary line or portion thereof which:

(i) coincides with a previously surveyed boundary, a fence, railway line, road or other similar well defined feature if such boundary, or feature is referred to in the description of the tenement recorded on the notice of marking out in the form No. 20 and the application in the form No. 21 in the First Schedule;

(ii) is within an existing townsite or built up area; or

(iii) is situated on private land;

(c) on the completion of the requirements of paragraphs (a) and (b) of this regulation by fixing firmly to one of the corner posts or cairns which shall be the datum post, notice of marking out in the form No. 20 in the First Schedule.

60. Where the nature of the ground will not permit a trench being cut in accordance with regulation 59, a row of substantial stones that is not less than 1 metre in length may be substituted.

61. It shall not be necessary to mark out a mining tenement the boundaries of which are identical with any surveyed land other than by fixing at a corner of the boundaries a datum post to which the notice of marking out in the form No. 20 in the First Schedule shall be affixed.

62. (1) Any person who marks out land as a mining tenement comprising an area in excess of the maximum area provided in the Act for such tenement shall be liable to have the surplus land at either end or side marked out at the option of any person who wishes to apply for a mining tenement in respect to such 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.

63. (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.

Division 2—Applications and Objections

64. (1) Application for a mining tenement shall be in the form No. 21 in the First Schedule and lodged with the warden by being filed at the office of the mining registrar with the prescribed fees and rent within ten days of marking out or such further time as the warden considers reasonable.
(2) On receipt of the application the mining registrar shall post a copy of the application on the notice board at his office.

(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 39 or 118 of the Act, and compliance with subregulations (4) and (5).

(4) The applicant shall affix a copy of the application to the datum post of the ground applied for within 14 days of the date of application, or such further period as the warden considers reasonable, and shall keep the copy intact and legible until the application is granted, but the affixing of the copy to the datum post may be dispensed with by the warden upon his being satisfied that the ground is situated in a remote or unoccupied locality and such affixing would not effect publicity.

(5) The applicant shall cause a copy of the application to be advertised in a newspaper published at least weekly and generally circulating in the district or place in which the land is situated within 14 days of the date of the application or within such further period as the warden considers reasonable.

65. 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. The boundaries of every mining tenement applied for shall be described from an existing survey mark or other well defined feature.

67. Within 30 days of the date of application for a mining tenement or such further period as the warden considers reasonable any person may upon payment of the prescribed fee lodge at the office of the mining registrar an objection in the form No. 16 in the First Schedule and the objector shall serve a copy of such objection on the applicant.

68. Prior to making any recommendation or granting any application for a mining tenement, the warden may obtain a report from the Director, Geological Survey, the State Mining Engineer, or any other officer of the Department.

69. An applicant for a mining tenement may, at any time before the granting of the application, apply to withdraw his application by lodging at the office of the mining registrar a withdrawal in the form No. 22 in the First Schedule, 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) of this regulation has lodged an objection to the application,

the application shall not be withdrawn without leave of the warden at the hearing of the application.

70. If an application for a mining tenement is withdrawn under regulation 69 or is refused, the applicant is entitled to a refund of—

(a) the amount of any survey fee paid when the survey or inspection concerned has not been made; and

(b) the amount of all rent paid.

Division 3—Boundary Marks

71. The applicant for, or holder of, a mining tenement shall maintain posts, pegs, trenches or other sufficient boundary marks required by the Act and these regulations.

72. If posts, pegs, 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 or pegs are replaced, or the trenches or other sufficient boundary marks are renewed, and notice in writing is given to him to withdraw.
73. 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, pegs, trenches and other boundary marks of the tenement or by supplying a plan or description thereof.

74. 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 4—Transfers, Caveats, Mortgages

75. 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 No. 23 in the First Schedule with the prescribed fee, but—

(a) every transfer shall be accompanied by the instrument of lease or licence (if issued) and, where applicable, a security similar to that required under sections 26, 52 or 60 of the Act;
(b) when two or more tenements, the property of the same holder, are to be transferred, a separate transfer shall be executed for each;
(c) when a tenement is held by several holders, and two or more of such holders desire to transfer the whole or portion of their interests, a separate transfer shall be executed by each holder;
(d) when all holders desire to simultaneously transfer the whole tenement, one transfer, executed by all the holders shall be sufficient;
(e) when a holder desires to transfer portions of his interest in a tenement to two or more persons a separate transfer for each interest transferred shall be executed;
(f) all transfers shall take priority according to the date and time of their registration; and
(g) when a mining tenement is encumbered by a mortgage the transfer shall be accompanied by the written consent of the mortgagee.

76. A separate caveat in the form No. 24 in the First Schedule shall be lodged in respect of each mining tenement affected.

77. A mining tenement or share therein may be mortgaged, charged or made security for the repayment of money advanced or agreed to be advanced or for the discharge of any liability, and

(a) shall have effect only as a security for the repayment of the money intended to be secured thereby and not as an assignment of the mining tenement; and
(b) may cover all buildings, improvements, machinery and appliances in or upon the land comprised in the mining tenement.

78. A mortgage—

(a) shall have effect only as a security for the repayment of the money intended to be secured thereby and not as an assignment of the mining tenement; and
(b) may cover all buildings, improvements, machinery and appliances in or upon the land comprised in the mining tenement.

79. (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 at the office of the mining registrar together with such balance for payment to any other mortgagees according to their respective priorities, and to the mortgagor.

80. 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 monies thereby secured, may be added to the security.

81. 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 No. 23 in the First Schedule and the transfer requirements of this Division shall be complied with.

82. 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. When the debt or liability secured by a mortgage has been fully paid or discharged the mortgagee shall lodge a discharge of mortgage in the form No. 26 in the First Schedule with the prescribed fee and the instrument of lease or licence (if issued).

84. A mortgage may be transferred and the transfer shall be lodged with the prescribed fee and the instrument of lease or licence (if issued).
Division 5—Production and Royalties

85. The holder of, or applicant for, a mining tenement shall for each month during which any mineral is produced or obtained from the tenement, or from land the subject of an application for a mining tenement, furnish the Under Secretary with a monthly production report in the form No. 27 in the First Schedule within 30 days after the expiry of the month during which such mineral was produced or obtained and a holder of or applicant for a mining tenement who fails to comply with this regulation commits an offence.

86. (1) When any of the minerals prescribed in this regulation are obtained from a mining tenement, or from land the subject of an application for a mining tenement, royalties shall be paid by the holder of, or applicant for, the mining tenement.

(2) The rate of royalty payable for each of the minerals set out hereunder, shall be as set out opposite each such mineral under column 1, 2 or 3 hereof as the case may be:

<table>
<thead>
<tr>
<th>Mineral</th>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Amount per tonne according to quantity produced or obtained</td>
<td>Percentage of the realised value</td>
<td>The rate as specified hereunder</td>
</tr>
<tr>
<td>Abrasives</td>
<td>5%</td>
<td>30 cents</td>
<td>$1 per tonne, to be adjusted each year at 30 June in accordance with the percentage increase in the average ex-mine value of Collie coal for the year ending on that date when compared with the corresponding value of Collie coal for the year ending on 30 June 1981.</td>
</tr>
<tr>
<td>Aggregate</td>
<td>3%</td>
<td>2%</td>
<td>2%</td>
</tr>
<tr>
<td>Alumina</td>
<td>5%</td>
<td>1%</td>
<td>1%</td>
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<tr>
<td>amphibolite</td>
<td>5%</td>
<td>1%</td>
<td>1%</td>
</tr>
<tr>
<td>Antimony</td>
<td>5%</td>
<td>1%</td>
<td>1%</td>
</tr>
<tr>
<td>Asbestos</td>
<td>5%</td>
<td>1%</td>
<td>1%</td>
</tr>
<tr>
<td>Asbestosite</td>
<td>5%</td>
<td>1%</td>
<td>1%</td>
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<tr>
<td>Barytes</td>
<td>5%</td>
<td>1%</td>
<td>1%</td>
</tr>
<tr>
<td>Bauxite</td>
<td>5%</td>
<td>1%</td>
<td>1%</td>
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<tr>
<td>Bentonite</td>
<td>5%</td>
<td>1%</td>
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<tr>
<td>Beryl</td>
<td>5%</td>
<td>1%</td>
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<tr>
<td>Binithite</td>
<td>5%</td>
<td>1%</td>
<td>1%</td>
</tr>
<tr>
<td>Building Stone</td>
<td>5%</td>
<td>1%</td>
<td>1%</td>
</tr>
<tr>
<td>Calcite</td>
<td>5%</td>
<td>1%</td>
<td>1%</td>
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<tr>
<td>Chlorelite</td>
<td>5%</td>
<td>1%</td>
<td>1%</td>
</tr>
<tr>
<td>Clay (inc. peat and lignite)</td>
<td>3%</td>
<td>1%</td>
<td>1%</td>
</tr>
<tr>
<td>Coal (not exported)</td>
<td>30 cents</td>
<td>1%</td>
<td>1%</td>
</tr>
<tr>
<td>Cobalt</td>
<td>2%</td>
<td>5%</td>
<td>5%</td>
</tr>
<tr>
<td>Copper</td>
<td>5%</td>
<td>3%</td>
<td>3%</td>
</tr>
<tr>
<td>Corundum</td>
<td>5%</td>
<td>3%</td>
<td>3%</td>
</tr>
<tr>
<td>Diamond</td>
<td>5%</td>
<td>3%</td>
<td>3%</td>
</tr>
<tr>
<td>Diatomaceous Earth</td>
<td>5%</td>
<td>3%</td>
<td>3%</td>
</tr>
<tr>
<td>Dolomite</td>
<td>5%</td>
<td>3%</td>
<td>3%</td>
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<tr>
<td>Emory</td>
<td>5%</td>
<td>3%</td>
<td>3%</td>
</tr>
<tr>
<td>Feldspar</td>
<td>5%</td>
<td>3%</td>
<td>3%</td>
</tr>
<tr>
<td>Fluorite</td>
<td>5%</td>
<td>3%</td>
<td>3%</td>
</tr>
<tr>
<td>Fuller's Earth</td>
<td>5%</td>
<td>3%</td>
<td>3%</td>
</tr>
<tr>
<td>Gadolinite</td>
<td>5%</td>
<td>3%</td>
<td>3%</td>
</tr>
<tr>
<td>Garnet</td>
<td>5%</td>
<td>3%</td>
<td>3%</td>
</tr>
<tr>
<td>Gems and Precious Stones</td>
<td>5%</td>
<td>3%</td>
<td>3%</td>
</tr>
<tr>
<td>Glaucolite</td>
<td>5%</td>
<td>3%</td>
<td>3%</td>
</tr>
<tr>
<td>Garnet</td>
<td>5%</td>
<td>3%</td>
<td>3%</td>
</tr>
<tr>
<td>Gypsum</td>
<td>30 cents</td>
<td>1%</td>
<td>1%</td>
</tr>
<tr>
<td>Ilmenite</td>
<td>30 cents</td>
<td>1%</td>
<td>1%</td>
</tr>
<tr>
<td>Mineral</td>
<td>Amount per tonne according to quantity produced or obtained</td>
<td>Percent age of the realised value</td>
<td>The rate as specified hereunder</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>-------------------------------------------------------------</td>
<td>----------------------------------</td>
<td>---------------------------------</td>
</tr>
<tr>
<td>Iron Ore</td>
<td>%</td>
<td>$3.75 per tonne</td>
<td></td>
</tr>
<tr>
<td>Jarosite</td>
<td>%</td>
<td>$6.25 per tonne</td>
<td></td>
</tr>
<tr>
<td>Kaolinite</td>
<td>%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lepidolite</td>
<td>%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Limestone (metallurgical)</td>
<td>%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Limestone (construction)</td>
<td>%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Magnesite</td>
<td>%</td>
<td></td>
<td></td>
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<tr>
<td>Magnetite</td>
<td>%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Magnesite</td>
<td>%</td>
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<tr>
<td>Mercury</td>
<td>%</td>
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<tr>
<td>Mica</td>
<td>%</td>
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<tr>
<td>Molybdenite</td>
<td>%</td>
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<td>Monazite</td>
<td>%</td>
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<td></td>
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<tr>
<td>Nickel</td>
<td>%</td>
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<tr>
<td>Nickel</td>
<td>%</td>
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<tr>
<td>Niobium</td>
<td>%</td>
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</tr>
<tr>
<td>Ochre</td>
<td>%</td>
<td></td>
<td></td>
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<tr>
<td>Oil Shale</td>
<td>%</td>
<td></td>
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<tr>
<td>Ptalite</td>
<td>%</td>
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<tr>
<td>Phlogopite rock</td>
<td>%</td>
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<tr>
<td>Phosphates</td>
<td>%</td>
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<tr>
<td>Pyrites</td>
<td>%</td>
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<tr>
<td>Pyrophyllite</td>
<td>%</td>
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<tr>
<td>Quartz Crystal</td>
<td>%</td>
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<tr>
<td>Rutile</td>
<td>%</td>
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<tr>
<td>Salt</td>
<td>%</td>
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<td></td>
</tr>
<tr>
<td>Sand</td>
<td>%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Semi-precious stones</td>
<td>%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shale</td>
<td>%</td>
<td></td>
<td></td>
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<tr>
<td>Silicon</td>
<td>%</td>
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<td></td>
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<tr>
<td>Sillimanite</td>
<td>%</td>
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<tr>
<td>Silver</td>
<td>%</td>
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<td></td>
</tr>
<tr>
<td>Spodumene</td>
<td>%</td>
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<tr>
<td>Talc</td>
<td>%</td>
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<td></td>
</tr>
<tr>
<td>Tantalum</td>
<td>%</td>
<td></td>
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<tr>
<td>Tin</td>
<td>%</td>
<td></td>
<td></td>
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<tr>
<td>Tungsten</td>
<td>%</td>
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<tr>
<td>Uranium</td>
<td>%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vanadium</td>
<td>%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vermiculite</td>
<td>%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Zircon</td>
<td>%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other minerals</td>
<td>%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2% of the realised value with a minimum of $3.75 per tonne.

In accordance with the following formula:

\[
\text{R} = \frac{P \times U}{100} \times \frac{100}{100}
\]

Where \( P \) is the ruling price per ton of nickel metal on the world market, which price is for the purpose of this paragraph the International Nickel Company Ltd's list price for four inch square electrolytic nickel cathodes F.O.B. Fort Colborne, Canada at the date the nickel-containing products are first sold F.O.B. or F.O.R. as the case may be. Where \( U \) is the number of units per hundred of nickel metal in the nickel-containing products sold. Where \( R \) is the royalty.

5% of the realised value with a minimum of $4.50 per tonne.
In this subregulation—

(i) a reference to a mineral includes a reference to the material containing that mineral;

(ii) "realised value" means the realised value F.O.R., or if exported, the realised value F.O.B.

87. Royalties payable on any mineral produced or obtained from a mining tenement or from land the subject of an application for a mining tenement, shall be paid to the Department at Perth within 30 days after the expiry of the month during which it was produced or obtained, or if royalty is based on realised value, within 30 days after realization.

88. The Minister may authorise any officer of the Department or any other person to inspect and examine any books, records and accounts and obtain all information necessary to ascertain the quantity or value of minerals produced or obtained from any mining tenement or from land the subject of an application for a mining tenement, and any other information necessary to determine the amount of any royalty payable.

89. Any amount of royalty payable pursuant to these regulations and unpaid may be recovered by the Minister on behalf of the Crown by action as for a debt due to the Crown in any court of competent jurisdiction.

Division 6—Miscellaneous

90. A form prescribed by these regulations shall be completed in accordance with such directions as are specified in the form as so prescribed.

91. (1) An appeal referred to in section 32(2), section 56(2), section 70(5) or section 94(3) of the Act, shall be in the form of a written submission lodged at the Department at Perth within 14 days of the warden's grant or refusal, as the case may be.

(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.

92. The shape of a mining tenement other than 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.

93. The rent on all mining tenements shall be paid yearly in advance, and—

(a) the first payment shall be of the rent for the first year of the term of the mining tenement and shall be made at the time of lodging the application; and

(b) subsequent payments of rent are due on the anniversary date of the commencement of the term of the mining tenement and are payable within one month of becoming due.

94. (1) Where a mining tenement or part thereof is surrendered, the holder shall be entitled to a refund of—

(a) any rent paid in respect of the surrendered portion for any period beyond the last day of the month in which the surrender is registered, calculated on the basis of whole months only, and with no refund payable where the period involved is less than one month; and

(b) any survey fee paid where the whole tenement is being surrendered and the survey has not been commenced.

(2) Where a mining tenement is forfeited, the holder is entitled to a refund of any survey fee paid where the survey has not been commenced.
95. (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 shall be lodged with the warden 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 an application for a mining tenement is situated partly within the boundaries of any two or more mineral fields or districts the Under Secretary shall determine to which mineral field or district the mining tenement or application shall be assigned.

96. The Minister may make public any information contained in reports submitted to him pursuant to regulations 16, 22, 32, 36 and 41, but he shall not make public any such information until after the expiry of a period of 6 months following the surrender, forfeiture, expiry, or other cancellation of the mining tenement or part thereof the subject of the information or of any mining tenement granted as a renewal or in substitution thereof, unless the holder for the time being has consented in writing to the information being made public.

97. 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. 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. 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. 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. When any mining being carried out in accordance with the Act appears likely to endanger the safety of any person or animal, or when any accident occurs involving loss of life or serious bodily injury, the warden may cause any necessary inspections to be made as to the manner of mining or nature and cause of the accident and may make any order as he sees fit to remove the cause of any danger and may prohibit any further mining until the order is complied with.

102. (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 No. 28 in the First Schedule 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.

103. Every deed, contract or other instrument relating to the title to or transfer of any mining tenement required by the Act or these regulations to be registered, and which is not registered, shall, so far as regards any such property affected or to be affected thereby, be void as against any person claiming that title and for valuable consideration under any subsequent deed, contract or other instrument duly registered.
104. The time required by these regulations for any act to be done by the applicant for, or holder of, any mining tenement may be extended by the Minister or a warden, as the case requires, for reasonable cause, proof of which lies on the applicant or holder.

105. Where any instrument of lease or licence or other document issued by the Department is lost, destroyed or obliterated, the person to whom such instrument or document was issued or some other person having knowledge of the facts and circumstances may lodge an application in the form No. 29 in the First Schedule with the prescribed fee for a copy of the instrument or document to be issued, and a certified copy shall be issued.

106. (1) There shall be kept at the Department at Perth and at the office of the Mining Registrar a register wherein shall be recorded in relation to each application for a mining tenement—

(a) those particulars shown on the prescribed form of application;
(b) the approval of the application and the terms and conditions of that approval, or the refusal or withdrawal thereof as the case may be;
(c) all rental payments;
(d) moneys expended or deemed to be expended in mining on or in connection with mining on the tenement;
(e) particulars of exemptions;
(f) a memorial of all dealings affecting the tenement;
(g) the name of the registered holder and the number of shares held;
(h) the surrender, forfeiture or other cancellation of the tenement; and
(i) such further matters as the Minister may deem necessary or expedient for the purposes of the Act.

(2) Any person may, on payment of the prescribed fee obtain at the Department at Perth or at the office of the Mining Registrar:

(a) a copy of the register relating to any mining tenements or application therefor; and
(b) with the written consent of the registered holder or the applicant, or the approval of the Minister if such consent is not given within 30 days of a written request therefor, a copy of all dealings referred to in subregulation (1)(f).

107. An application to amend any particulars shown in the register for a mining tenement or application therefor shall be made in the form No. 30 in the First Schedule.

108. 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 No. 31 in the First Schedule with the prescribed fee.

109. Fees and rents payable are set out respectively in the Second Schedule.

110. (1) Unless otherwise provided in the Act or these regulations, all dealings affecting a mining tenement or application therefor shall be lodged for registration with the prescribed fee, at the office of the Mining Registrar or the Department at Perth.

(2) The registration of all dealings shall be effected at the Department at Perth by an officer acting with the authority of the Minister.

(3) No dealings shall be effectual to pass any estate or interest in a mining tenement or an application therefor or in any way to charge or encumber a mining tenement until registered in accordance with subregulation (2).

111. (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;
(c) by forwarding it by post in a certified or prepaid registered letter addressed to such person at his last known place of abode or business;

(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.

(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 Local Courts shall be adopted as far as possible.

112. For the purposes of section 126 of the Act, a security shall unless otherwise approved by the Minister be in the form No. 32 in the First Schedule and shall be in the following amounts:

(a) under section 26 of the Act a sum approved by the Minister;

(b) under section 52 of the Act, 500 dollars; and

(c) under section 60 of the Act, 5,000 dollars.

113. A person employed by the Department in any capacity who uses for the purpose of personal gain any information that comes to his knowledge in the course of, or by reason of, his employment with the Department commits an offence.

114. A person who disobeys a lawful order of a warden or a warden’s court commits an offence.

115. 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 500 dollars and if the offence is a continuing one to a fine not exceeding 100 dollars for each day or part thereof during which the offence has continued.

PART VI—SURVEYS

116. Subject to regulations 117 to 120 inclusive, all surveys required by the Act or these regulations shall be made in accordance with the Licensed Surveyors Act, 1909.

117. A grant of a mining tenement before survey shall be subject to the land applied for being found to be available after survey of the tenement has been made.

118. When a mining tenement, or the land the subject of an application for a mining tenement is to be surveyed, the holder of, or applicant for, the mining tenement shall make himself or his agent available at a reasonable time in order to point out to the surveyor his corner posts and other boundary marks.

119. Where it is found by the surveyor that any mining tenement or application therefor is not marked out in the prescribed shape he may where practicable adjust the boundaries, but when any adjoining interests would be affected by such adjustment he shall survey the tenement as strictly in accordance with the marking out as the circumstances permit.

120. (1) Where disputes arise during survey as to the position of pegs or otherwise and the parties interested are unable to agree, the surveyor shall report the matter to the Department at Perth and shall not proceed with the survey pending settlement of the dispute.
(2) An objection in the form No. 16 in the First Schedule to the survey of a mining tenement or the land the subject of an application for a mining tenement shall be lodged at the office of the mining registrar with the prescribed fee within 14 days after the date on which survey marking on the ground was completed or within such further period as the warden considers reasonable, but no objections shall be entertained after the survey has been approved in accordance with the Licensed Surveyors Act, 1909.

(3) A dispute or objection referred to in sub-regulations (1) and (2) shall be heard by the warden in open court and the surveyor and all other interested parties shall be summoned by the mining registrar to attend and give evidence.

(4) After the hearing of the dispute or objection the warden shall forward the notes of evidence and his recommendation to the Minister for determination of the dispute or objection.

PART VII—LEGAL PROCEEDINGS

Proceedings.

121. (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 No. 33 in the First Schedule.

(2) Fees payable in respect of such proceedings are respectively set out in the Second Schedule.

Lodgement, withdrawal of plaint.

122. (1) Every plaint shall be signed by the plaintiff or his solicitor and lodged with the prescribed fees at the office of the mining registrar.

(2) A plaint shall not be withdrawn or proceedings stayed after a summons has been served without the written consent of the defendant or by leave of the warden.

Issue of summons.

123. On receipt of a plaint, the mining registrar shall—

(a) fix a date and time for hearing in the warden's court being not less than 30 days from the date of lodgement, unless all parties to the action consent to an earlier hearing date;

(b) advise the plaintiff of the hearing date; and

(c) issue a summons in the form No. 34 in the First Schedule in duplicate addressed to each defendant and forward it for service to—

(i) the plaintiff;

(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 regulation 124.

Affidavit of service.

124. The person to whom the summonses are delivered shall serve them without delay, and thereupon shall make an affidavit of service, in the form No. 35 in the First Schedule and deliver it to the mining registrar.

Time for service.

125. (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 giving notice to the plaintiff, extend the date of hearing and issue an amended summons.

Notice of defence.

126. When the defendant intends to dispute the claim he shall lodge with the mining registrar not less than 7 days before the date fixed for the hearing or at any subsequent time prior to the hearing as the warden may allow a notice of defence in the form No. 36 in the First Schedule with the prescribed fee, and the mining registrar shall forward a copy of the notice to the plaintiff.

Subpoenas of witnesses.

127. (1) Each party may procure the attendance of witnesses by means of a subpoena in the form No. 37 in the First Schedule.
(2) A witness who attends in answer to a subpoena shall be entitled to the
allowances prescribed in the Local Court Rules, 1961 as amended.

(3) A witness is not required to attend unless at the time of the service of
the subpoena a reasonable sum as conduct money is tendered to him.

128. (1) Where the warden's court orders costs to be paid by any party,
those costs shall be in accordance with the costs allowed under the Local
Court Rules 1961, as amended.

(2) Where there is no money demanded, the warden's court shall determine
under which scale the costs are to be awarded.

(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 allowance under the Local Court Rules 1961 as amended is
inadequate in that regard, the warden may, upon application at the trial (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.

129. (1) When the decision of any plaint has been delivered by the
warden's court, a judgment in the form No. 38 in the First Schedule may be
signed by the warden or mining registrar and filed in the court.

(2) A copy of the judgment shall, on payment of the prescribed fee, be
delivered to any person applying for it.

130. (1) Where the plaintiff or defendant has made default in the payment
of any sum of money ordered by the warden's court to be paid by him, the
party to whom such sum is payable may, on application to the mining
registrar, and on payment of the prescribed fee, obtain a warrant of execution
against any property of the party making such default.

(2) The warrant shall be in the form No. 39 in the First Schedule.

(3) The warrant may remain in force for a period of twelve calendar
months.

(4) Application for renewal of the warrant shall be made to the warden or
mining registrar in writing, supported by a statutory declaration as to default
having been made in payment of the sum awarded, or any portion thereof.

131. A warrant for recovery of possession pursuant section 141 of the Act
shall be in the form No. 40 in the First Schedule.

132. On seizure of any mining tenement or interest therein, under a writ of
fi. fa. or a warrant issued out of the warden's court or any other court, notice
thereof in the form No. 41-in the First Schedule shall be given to the mining
registrar with the prescribed fee, and a copy of the writ of fi. fa. or warrant
shall be attached to the notice.

133. (1) Notice of sale and of the intended place and day of sale under a
warrant of execution issued out of the warden's court shall be given at least
seven days before the day of sale by—

(a) affixing a notice conspicuously at or near the place where the sale is
to take place;
(b) posting a copy of the notice on the notice board at the office of the
mining registrar; and
(c) advertising particulars of the sale in a newspaper circulating in the
district wherein the warden's court is situated.

(2) The sale shall be conducted publicly and everything shall be sold for
ready money to the highest bidder.

134. Upon sale under a warrant of execution the officer executing such
warrant shall sign a transfer in the form No. 23 in the First Schedule to the
purchaser of the mining tenement or interest therein sold under the warrant.
An appeal pursuant to section 147 of the Act shall be made in the form No. 42 in the first Schedule.

An order of the warden's court for an injunction shall be in the form No. 43 in the First Schedule.

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<td>2. Application for Permit to Enter upon Private Land.</td>
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<td>3. Permit to Enter upon Private Land.</td>
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<td>7. Notification under Section 65(3).</td>
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<td>8. Instrument of Lease—Mining Lease.</td>
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<td>9. Application for Renewal of Mining Lease.</td>
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<td>18. Application for Exemption.</td>
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<td>30. Application to Amend.</td>
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<td>35. Affidavit of Service.</td>
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<td>38. Judgment/Order of Warden's Court.</td>
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<td>39. Warrant of Execution.</td>
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<td>40. Warrant for Recovery of Possession.</td>
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<td>41. Notice of Seizure.</td>
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<td>42. Notice of Appeal under section 147.</td>
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<td>43. Injunction.</td>
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MINER'S RIGHT

FEE — $10.00

NOT TRANSFERABLE

Issued to ________________________________

under the provisions of the Mining Act 1978.

To whom issued ________________________________

My whom issued ________________________________

Place of issue ________________________________

Place of Issue ________________________________

Date of issue ________________________________

Date of Issue ________________________________

Signature of Issuing Officer

(note reverse)
This right is issued pursuant to the provisions of Section 20 of the Mining Act 1978, and is in respect of Crown land (which includes a pastoral lease) only.

In particular, your attention is drawn to the following provisions which must be complied with.

The holder of a Miner's Right is not entitled without the written consent of the occupier (unless the Warden orders otherwise) to enter on or interfere with any Crown land that is:

(a) for the time being under crop;
(b) used as a yard, stockyard, garden, cultivated field, orchard, vineyard, plantation, airstrip or airfield;
(c) in actual occupation and on which there is a house or other substantial building;
(d) the site of any cemetery or burial ground;
(e) within 100 metres of land referred to in (a) to (d) above;
(f) the site of—or within 400 metres of—any water works, race, dam, well or bore.

All holes, pits, trenches and other disturbances to the surface of the land made by the holder of a Miner's Right and which are likely to endanger the safety of any person or animal must be filled in.

All necessary steps must be taken by the holder of a Miner's Right to prevent fire, damage to trees or any property or damage to livestock by the presence of dogs, the discharge of firearms or otherwise.

NOTE: For conditions of entry onto land other than Crown land, your attention is drawn in particular to Sections 23 to 39 of the Mining Act 1978.
APPLICATION FOR PERMIT TO ENTER UPON PRIVATE LAND

To: The Warden.

(a) Mineral Field

(b) Set out particulars of the land, location or Lot numbers, etc. to be stated.

(c) Map to be attached as delineated on the attached map, for the purpose of

(d) 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.

(e) Full name and address of applicant.

DATED this day of 19

(f) Signature of applicant.

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(Mining Registrar)
PERMIT TO ENTER UPON PRIVATE LAND

No.

Pursuant to the provisions of the Mining Act 1978,

the holder of this permit of his duly authorized agent is hereby authorized to enter upon

subject to—

This Permit EXPIRES on the day of , 19

DATED at this day of , 19

Warden

Mineral Field
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
(b) Locality
(c) Mineral Field
containing approximately
(d) Area hectares
(e) Date Licence granted
(f) Date instrument issued

is/are subject to the provisions of the Mining Act, 1978 and to the conditions stated in the Schedule hereunder, authorized in accordance with Section 48 of the Act to prospect the land the subject of this licence situated at

in the

Mineral Field

for a term of two years commencing on the

Mineral Field

ENDORSEMENTS

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:

Schedule of Conditions:
# Form 5

## WESTERN AUSTRALIA

Mining Act, 1978

(Secs. 51, 68 & 82

Regs. 16, 22 & 32)

**REPORT ON OPERATIONS ON MINING TENEMENT**

(To be completed in accordance with the instructions on the reverse hereof)

This Annual/Final/Surrender/Partial Surrender (a) Report covers the period from

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### Details of Mining Tenement

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### Holder

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### SUMMARY OF OPERATIONS

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### Attached Reports

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### Amount expended (a) Aust.

I certify that the information supplied in this report is a true statement of the operations carried out and moneys expended on the abovementioned mining tenement during the period specified as required under the Mining Act, 1978 and the Regulations thereunder.

DATED this day of 19

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### Signature of holder

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**OFFICE USE**

This Report received

at __________________ m.
on __________________

by __________________
INSTRUCTIONS FOR REPORTS ON OPERATIONS ON A MINING TENEMENT

1. Reports shall be filed with the Department at Perth, either:
   (i) in a form suitable for microfilming; or
   (ii) as microfilm which complies with Departmental specifications.

2. Reports shall where applicable include the following—
   (i) methods of exploration;
   (ii) a complete record of all geological, geophysical, geochemical and other technical investigations carried out by or on behalf of the tenement holder;
   (iii) a complete record of all drill holes and excavations;
   (iv) details of the nature of material tested and all assay results;
   (v) a summary of measured, indicated and inferred reserves of any mineralization found;
   (vi) tonnage, grade and value of any ore mined;
   (vii) statement of expenditure; and
   (viii) details of any amount claimed in lieu of wages.

3. All attached reports shall include a title, name of joint holder responsible for operations on the tenement, tenement information, date and a complete table of contents.

4. All maps and sections shall be related to the Australian Map Grid or to known surveyed points.
EXPLORATION LICENCE

No.

(a) Name and address of holder and number of shares

(b) Locality

(c) Mineral Field

(d) Date licence granted

(e) Date instrument issued

Is/are subject to the provisions of the Mining Act, 1978 and to the conditions stated in the schedule hereunder, authorized in accordance with Section 66 of the Act to explore the land the subject of this licence situated at

in the

Mineral Field

for a term of five years commencing on the

Schedule of Conditions:

ENDORSEMENTS

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.
NOTIFICATION UNDER SUBSECTION (3) OF SECTION 65

TO: UNDER SECRETARY FOR MINES

Details of Exploration Licence

(a) Number
(b) Mineral Field
(c) Date term commenced
(d) Present area

Holder

(e) Full name and address of holder

Land to remain subject to Licence

(f) Description of boundaries of land for each discrete area

(g) Area

Map to be attached

The attached map shows the land described in (f) above in relation to the boundaries of the area subject to the licence at this date.

DATED this day of 19

(h) Signature of holder

Note: This form is a notification only and any surrender of land required under Section 65(1) of the Act must be lodged separately.
MINING LEASE

The Minister for Mines 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 twenty-one 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 fine not exceeding one thousand dollars 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 assign, underlet or part with possession of 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 with the Department at Perth 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 the State Mining Engineer are likely to endanger the safety of any person or animal to be filled in or otherwise made safe to the satisfaction of the State Mining Engineer.

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
(Description of Land:)
Locality:
Mineral Field:
Being the land delineated on Survey Diagram No. and recorded in the Department of Mines, Perth.

THIRD SCHEDULE
All petroleum as defined in the Petroleum 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 conditions or stipulations.

ENDORSEMENTS
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.

IN witness whereof the Minister for Mines has affixed his seal and set his hand hereto
this............ day of..................................... 19.......

MINISTER FOR MINES
APPLICATION FOR RENEWAL OF MINING LEASE

Details of Mining Lease

(a) Number

(b) Mineral Field

(c) Expiry Date

Holder

(d) Full name and address of holder

THE HOLDER of the abovementioned mining lease hereby applies for renewal of the lease for a further term of twenty-one years.

DATED this day of 19

Signed (e)

Received at \m.
on

[Minning Registrar]
GENERAL PURPOSE LEASE No.

The Minister for Mines 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 commencing on the date set out in the Fifth Schedule to this lease and (subject as hereinafter and in the Mining Act 1978 provided) terminating on the day on which the Mining Lease described in the Sixth Schedule to this lease is surrendered forfeited or expires 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 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 hereinafter 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 assign, underlet or part with possession of 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 with the Department at Perth such periodical reports as are approved by the Under Secretary 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.: and
Being the land delineated on Survey Diagram No.
recorded in the Department of Mines, Perth.

FOURTH SCHEDULE
All petroleum as defined in the Petroleum 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
Date of Commencement of the lease.

SIXTH SCHEDULE
(Here set out particulars of the Mining Lease to which this general purpose lease relates.)

SEVENTH SCHEDULE
Any further conditions or stipulations.

ENDORSEMENTS
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.

IN witness whereof the Minister for Mines has affixed his seal and set his hand hereto this ______________ day of __________ 19__

MINISTER FOR MINES.
MISCELLANEOUS LICENCE

No.

(a) Name and address of holder and number of shares

(b) Locality

(c) Mineral Field

(d) Area

The Licence was granted subject to the provisions of the Mining Act 1978 and the Regulations thereunder on the

(e) Date Licence granted

and authorizes the holder to:

(f) Purpose of Licence

subject to the Mining Act 1978 and the conditions stated in the Schedule hereon.

Subject to Section 94 of the Mining Act 1978 this licence shall remain in force until the surrender, forfeiture or expiry of

(g) Tenement in respect of which this Licence was granted

in respect of which it was granted, and shall then expire.

Issued this

(Mining Registrar)

(Mineral Field)

ENDORSEMENTS

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.

Schedule of conditions
**SURRENDER**

**Details of Mining Tenement**

<table>
<thead>
<tr>
<th>Details</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>(b)</td>
</tr>
<tr>
<td>(c)</td>
<td></td>
</tr>
</tbody>
</table>

**Holder**

<table>
<thead>
<tr>
<th>Holder</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(d)</td>
<td></td>
</tr>
</tbody>
</table>

THE HOLDER of the abovementioned mining tenement hereby applies to surrender all right title and interest therein.

DATED this 19 day of

<table>
<thead>
<tr>
<th>Holders sign here</th>
<th>in the presence of</th>
<th>Witnesses sign here</th>
</tr>
</thead>
<tbody>
<tr>
<td>(e)</td>
<td>(f)</td>
<td></td>
</tr>
</tbody>
</table>

Signature of holder

Signature of witness

<table>
<thead>
<tr>
<th>Received at</th>
<th>m.</th>
<th>on</th>
</tr>
</thead>
</table>

[Mining Registrar]
NOTICE OF RE-MARKING

Details of Mining tenement

<table>
<thead>
<tr>
<th>(a) Type</th>
<th>(b) Number</th>
<th>(c) Mineral Field</th>
</tr>
</thead>
</table>

Holder

(d) Full name and address of holder

Portion Retained

(e) Description of boundaries of retained portion

(f) Area of retained portion

(g) Date and time of re-marking

(h) Signature of holder

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:
Form 14

WESTERN AUSTRALIA
Mining Act 1978
(Sec. 95 Reg. 45)

PARTIAL SURRENDER
(This form must be accompanied by a map clearly delineating the portion of the tenement being
(i) surrendered; and (ii) retained)

<table>
<thead>
<tr>
<th>Details of Mining Tenement</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Type</td>
</tr>
<tr>
<td>(b) Number</td>
</tr>
<tr>
<td>(c) Mineral Field</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Holder</th>
</tr>
</thead>
<tbody>
<tr>
<td>(d)</td>
</tr>
</tbody>
</table>

THE HOLDER of the abovementioned mining tenement hereby applies to surrender all right title and
interest in that portion described hereunder.

PORTION BEING SURRENDERED

<table>
<thead>
<tr>
<th>(e) Describe the boundaries of the portion being surrendered</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Area (ha/km²)</th>
</tr>
</thead>
</table>

DATED this day of

<table>
<thead>
<tr>
<th>Holders sign here</th>
<th>in the presence of</th>
<th>Witnesses sign here</th>
</tr>
</thead>
<tbody>
<tr>
<td>(f)</td>
<td>(g)</td>
<td></td>
</tr>
</tbody>
</table>

Signature of holder
Signature of witness

Received at _________________ m.
on _________________
with fee of $______________

(Mining Registrar)
Form 15

WESTERN AUSTRALIA
Mining Act 1978
(Sec. 96 Reg. 49)

APPLICATION FOR FORFEITURE

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—

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mining Tenement</td>
<td>Failure to pay rental</td>
<td>Other Breach</td>
</tr>
<tr>
<td>Amount</td>
<td>Date Due</td>
<td></td>
</tr>
</tbody>
</table>

DATED this day of

Mining Registrar

To the Mining Registrar,

The date on which I intend to hear an application for forfeiture is ____________

In accordance with Regulations 49 and 53 of the Mining Regulations 1981—

(a) notify the holder by post
(b) notify any registered mortgagee
(c) post a notice on your notice board
(d) publish a notice in the Government Gazette

Warden
Form 16

WESTERN AUSTRALIA

Mining Act 1978
(Secs. 42, 55, 59, 78, Regs. 49, 67, 120)

OBJECTION

No.

To: The Warden

(a) Mineral Field

The undersigned objects to

(b) Insert particulars of matter and mining tenement affected

for the following reasons—

(c) Set out grounds for objection

And pending the hearing of this objection, require you to

(d) "Withhold your recommendation" (Or as the case may be)

(e) Full name and address of objector

DATED this day of

D

Signature of objector or agent

(1)

This objection will be heard in the Warden's Court at

at

the hour of

m.

on

with fee of $.

Received at m.

on

(Mining Registrar)
APPLICATION FOR RE-INSTATEMENT

**Details of Mining Tenement**

<table>
<thead>
<tr>
<th>(a) Type</th>
<th>(b)</th>
<th>(c)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>(d) Full name and address of each applicant</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

Application is made for the re-instatement of the abovementioned mining tenement which was forfeited for failure to:

(e) Reason for forfeiture

(f) Date of forfeiture on the (f)

This application is made on the following grounds:

(g) Reasons for application

**DATED** this day of 19

(h) Signature of applicant

<table>
<thead>
<tr>
<th>OFFICE USE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Received at __________ m. on __________ with fee of $ __________, (Mining Registrar)</td>
</tr>
</tbody>
</table>
## APPLICATION FOR EXEMPTION

### Details of Mining Tenement

<table>
<thead>
<tr>
<th>(a)</th>
<th>(b)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type</td>
<td>Number</td>
</tr>
<tr>
<td>Mineral Field</td>
<td></td>
</tr>
</tbody>
</table>

| (c) |
| Full name and address of each holder |

| (d) |
| Holder |

| (e) | (f) |
| Amount of expenditure for which exemption is sought | Fraction of annual expenditure condition |

| (g) |
| Reasons for exemption |

APPLICATION is made for exemption for the period specified from the expenditure conditions applicable to the abovementioned mining tenement.

DATED this day of 19

(h) Signature of holder

| (h) |
| Signature of holder |

| (i) |
| Oceanic with fee of $ |

OBJECTIONS to this application may be lodged at the Mining Registrar's office at and the hearing will take place on the day of 19.

Received at .m.

On .

with fee of $ .

(Mining Registrar)
CERTIFICATE OF EXEMPTION

No.

This is to certify that the holder of

(a) Type of tenement

(b) Amount of Exemption

(c) Expiry date of year to which exemption relates

has been granted exemption from expenditure of —

for the abovementioned mining tenement during the year of the term of the tenement ending on —

on the following terms and conditions:

(d) Condition(s), if any

DATED this day of , 19

Mining Registrar

Mineral Field
NOTICE OF MARKING OUT

(To be fixed to Datum Post to complete marking out)

NOTICE IS given that

(a) Full name and address of applicant

(b) Type of tenement

(c) Description of boundaries

(d) Approximate area (ha/km)

Marking out was completed by fixing this notice at

(e) Time and date marking out completed

(f) Signature of applicant

[13 November 1981]
**APPLICATION FOR MINING TENEMENT**

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>[a]</td>
<td>No.</td>
<td>/</td>
</tr>
<tr>
<td>(b) a.m./p.m.</td>
<td>/</td>
<td>(c)</td>
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<tr>
<td>(d) &amp; (e)</td>
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</table>

**DESCRIPTION OF AREA APPLIED FOR**

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<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
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</thead>
<tbody>
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</table>

**NOTES**

This application shall be accompanied by a map on which are clearly delineated the boundaries of the area applied for.

Where applicable, an application for a Prospecting Licence shall be accompanied by details of other Prospecting Licences held or any current applications made by the applicant(s) anywhere in the State—Section 41 (1) (d), and the security in accordance with Section 126 Regulation 112 in the Form 32.

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)—Section 58 (1) (b).

**FEES**

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
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<tbody>
<tr>
<td>Total</td>
<td></td>
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<tr>
<td>Received at</td>
<td></td>
<td></td>
</tr>
<tr>
<td>on</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Mining Registrar)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**OBJECTIONS**

OBJECTIONS to this application may be lodged at the Mining Registrar's office at... on or before the... day of... 19... and the... hearing will take place on the... day of... 19...
Form 22
WESTERN AUSTRALIA
Mining Act 1978
(Reg. 69)
WITHDRAWAL

Details of Mining Tenement application

<table>
<thead>
<tr>
<th>(a)</th>
<th>(b)</th>
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</thead>
</table>

<table>
<thead>
<tr>
<th>(c)</th>
</tr>
</thead>
</table>

Applicant

<table>
<thead>
<tr>
<th>(d)</th>
</tr>
</thead>
</table>

THE APPLICANT hereby applies to WITHDRAW the abovementioned application.

DATED this   day of  , 19

Applicants sign here    in the presence of    Witnesses sign here

<table>
<thead>
<tr>
<th>(e)</th>
<th>(f)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>(g)</th>
<th>(h)</th>
</tr>
</thead>
</table>

Received at _______ m.
on_________

(Mining Registrar)
Form 23

WESTERN AUSTRALIA
Mining Act 1978
(Regs. 75, 81, 84 & 134)

TRANSFER No. Details of Mining Tenement and Interest

(a) Type of tenement
(b) Number
(c) Mineral Field
(d) Number of shares

INTEREST BEING TRANSFERRED

(e) Transferor: Full name and address

CONSIDERATION

(f) In words—see Note 1

TRANSFEREE

(g) Transferee: Full name and address

THE TRANSFEROR for the consideration expressed HEREBY TRANSFERS TO THE TRANSFEREE the interest specified in the abovementioned mining tenement, and the TRANSFEREE accepts the said interest subject to all the terms and conditions under which it is now held.

DATED this day of , 19

TRANSFERORS sign here

Signed (h) in the presence of (j)

Signed (h) in the presence of (j)

Signed (h) in the presence of (j)

TRANSFEREEES sign here

Signed (i) in the presence of (j)

Signed (i) in the presence of (j)

Received at m. on with fee of $ 

(Mining Registrar)

NOTE 1. Where the stamp duty shown on the transfer is not in respect to the full amount of the consideration stated then the documents indicating the full stamp duty must accompany the transfer.
**CAVEAT**

<table>
<thead>
<tr>
<th>Details of Mining Tenement</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Name of Mining Tenement</td>
<td>(b)</td>
</tr>
<tr>
<td>(c) Number of Mining Tenement</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Interest being caveated</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(d) Type of Interest</td>
<td>(e) Number of Shares</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Caveator</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(f) Full Name and Address of Caveator</td>
<td></td>
</tr>
</tbody>
</table>

**THE CAVEATOR** claims an interest as specified in the abovementioned mining tenement **BY VIRTUE OF**

and whilst this caveat remains in force **FORBIDS** the registration of any transfer or other instrument affecting such tenement or interest and appoints

**as the place at which notices and proceedings relating to this caveat may be served.**

DATED this \[d\]ay of \[m\] 19

Caveator signs here

Witness signs here

Signed (i) __________________________ in the presence of (j) __________________________

Received at _______________ m.
on __________________________
with fee of $ _______________

(Mining Registrar)

**Note 1:** If the caveat is lodged pursuant to subsection (2) of Section 122 of the Act the term of the caveat must be stated and a copy of the agreement attached.
Form 25

WESTERN AUSTRALIA
Mining Act 1978
(Reg. 77)

MORTGAGE

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 Mortgagor as follows:

1. That the Mortgagor will pay to the Mortgagor 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.

3. "Here set forth any further covenants"

DATED this day of , 19

MORTGAGOR'S sign here

(a) Signature of Mortgagor
(b) Signature of witness

Signed (a)
in the presence of (b)

Signed (a)
in the presence of (b)

Received at .............................. m.
on ...........................................
with fee of $ ..............................

(Mining Registrar)
DISCHARGE OF MORTGAGE

(a) Full name and address of mortgagee

(b) Date of Mortgage

(c) Number of Mortgage

(d) State particulars of mining tenements the subject of the mortgage and interest therein

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 , 19

Signed

(e) Signature of Mortgagee

(f) Signature of witnesses in the presence of

Received at m.
on
with fee of $
MONTHLY PRODUCTION REPORT
(An individual report is required for each operation)

Report for Month of: ................................................... 19
Mining Tenement No: ......................................................
Holder: ...........................................................................
Mineral Field: ..............................................................
District: .................................................................
Centre: ........................................................................
Number of Employees: Above ground: .................. Under ground: ........

<table>
<thead>
<tr>
<th>MATERIAL MINED OR TREATED</th>
<th>MINERAL RECOVERED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type (state whether alluvial, deep mined, lode, etc.)</td>
<td>Type (state mineral and whether ore, concentrates, etc.)</td>
</tr>
<tr>
<td>Quantity (tonnes of ore)</td>
<td>Quantity</td>
</tr>
<tr>
<td>Sands &amp;/or Slimes (tonnes)</td>
<td>Assay (or fine gold content)</td>
</tr>
<tr>
<td>Estimated Assay</td>
<td>Estimated Value $</td>
</tr>
<tr>
<td>Estimated Value $</td>
<td></td>
</tr>
</tbody>
</table>

I certify that the information supplied in this report is a true statement of all the production for the period stated.

DATED this day of ........................................... 19
Signed ................................................................. (Holder)
Form 28  WESTERN AUSTRALIA  
Mining Act 1978  
(Reg. 102)

DEVOLUTION  No.

<table>
<thead>
<tr>
<th>Details of Mining Tenement (or application therefor) and Interest</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Type</td>
</tr>
<tr>
<td>(c) Mineral Field</td>
</tr>
<tr>
<td>(e) Document from which title derived</td>
</tr>
</tbody>
</table>

(b) Full name and address of applicant (i)  

'Copy of document to be attached hereby applies to be registered as the holder of the above mentioned interest and 'attached hereto is a copy of the document referred to in (e) above.  

DATED this __________ day of __________, 19______  

(g) Signature (g)  

(h) Executor OR  as the case may be (h)  

| OFFICE USE |
|------------------|------------------|
| Received at ______________ m. on ______________ with fee of $ ______________ |
| (Mining Registrar) |


APPLICATION FOR COPY DOCUMENT  

(a) Full name  
(b) Address  

declare pursuant to section 106 of the Evidence Act 1906 that the document specified cannot be 
produced for the reasons indicated, and I request that a copy document be issued in lieu.

c) Description of document  
(d) State whether document lost, destroyed, etc as the case may be and the circumstances  

de) Signed  

declared before me at this day of 19  

Note 1: This Declaration may be made before a Commissioner of Declarations, Justice of the Peace, Mining Registrar or other authorised person.
WESTERN AUSTRALIA
Mining Act 1978
(Reg. 107)

APPLICATION TO AMEND

<table>
<thead>
<tr>
<th>No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Type</td>
</tr>
<tr>
<td>(b) Number</td>
</tr>
<tr>
<td>(c) Mineral Field</td>
</tr>
</tbody>
</table>

Details of Mining Tenement of application therefor

| (d) Full name and address |
| (e) Present particulars shown in register |
| (f) Amended particulars |

The abovementioned HOLDER/APPLICANT hereby applies to amend the register at the Department of Mines FROM

TO

DATED this day of , 19

(g) Signature of holder/applicant

<table>
<thead>
<tr>
<th>Office Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Received at: _______________ m. on _______________</td>
</tr>
<tr>
<td>(Mining Registrar)</td>
</tr>
</tbody>
</table>
Form 31
WESTERN AUSTRALIA
Mining Act 1978
(Reg. 108)

POWER OF ATTORNEY
No.

(a) Full name and address of donor

I, (a) and address of donor

DO HEREBY APPOINT

(b) Full name and address of donee

(b) and address of donee

(hereinafter referred to as the donee) as my attorney to apply for and acquire on my behalf any mining tenements 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.

And for me and in my name to sign all such applications, notices, transfers, mortgages, subleases, 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 it 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 19

(c) Signature of donor

Signed (c) in the presence of

(d) Signature of witness

Received at m. on with fee of $.

(Mining Registrar)
SECURITY

By this security the subscriber is for himself, his executors and administrators or in the case of a subscriber being a corporation sole for its successors and assigns pursuant to the Mining Act 1978 bound to the Minister for Mines in the State of Western Australia in the sum of

(a) Amount of security

(b) Full name and address of applicant or holder

(c) Insert details of type, number and Mineral Field for the mining tenement or application therefor

(d) Signature of applicant/holder

(e) Signature of witness

By this security the subscriber is for himself, his executors and administrators or in the case of a subscriber being a corporation sole for its successors and assigns pursuant to the Mining Act 1978 bound to the Minister for Mines in the State of Western Australia in the sum of

subject only to this condition that, if

shall comply with the conditions to which

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, 19

Applicant or Holder signs here in the presence of Witness signs here

(d) (e)

Signature of applicant/holder

Signatures of witness
Form 33
WESTERN AUSTRALIA
Mining Act 1978
(Regs. 48 & 121)

PLAINT No.
In the Warden's Court at

(a) Name and address of Plaintiff

(b) Name and address of Defendant

The Plaintiff claims that:

(c) Nature of claim

and asks:

(d) Nature of relief sought

DATED this day of , 19

(e) Signature of Plaintiff

OFFICE USE

Received at ........................................ m.
on ........................................ ,
with fees as stated.
........................................ (Mining Registrar)

Seal of Court

Fees Paid
Plaint
Summons
Subpoena
Service
Affidavit
Kilometrage
Copies
Attendance
Total
Form 34

WESTERN AUSTRALIA
Mining Act 1978
(Reg. 123)

SUMMONS
In the Warden's Court at

TO:

(a) full name and address of Defendant

(b) Place of hearing

(c) Time and date of hearing

TO:

YOU are hereby summoned to appear before the Warden's Court

at (c) .m. on the day of , 19

to answer the claim of the plaintiff

(d) Full name of Plaintiff

as follows:—

(e) Nature of claim as stated in Plaintiff

You may apply for the issue of a subpoena compelling the attendance of any witnesses, and production of any books, plans, documents, etc.

If you intend to dispute the plaintiff's claim you must file a notice of defence in accordance with Regulation 128

DATED at

this day of , 19

........................................................
SEAL OF COURT

........................................................ Mining Registrar

........................................................ Mineral Field

ENDORSEMENT
This is the paper writing marked "A" referred to in the annexed affidavit of

sworn before me at , this day of , 19
Form 35  
WESTERN AUSTRALIA  
Mining Act 1978  
(Reg. 124)  

**AFFIDAVIT OF SERVICE**  

In the Warden's Court at

<table>
<thead>
<tr>
<th>Plaintiff</th>
<th>Defendant</th>
<th>(c) I,</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(a) Full name and address

(b) Full name and address

(c) Full name and address

Full name of person on whom service effected:

Manner of service:

Address where service effected:

I make oath and say that I did on the day of , 19, duly serve a copy of the summons (which is marked "A") and annexed hereto as follows:—

Sworn before me at this day of , 19.

..........................................................................................................

(Commissioner for taking affidavits in the Supreme Court/Warden/Mining Registrar/Justice of the Peace).
NOTICE OF DEFENCE

In the Warden's Court at

Plaintiff

Defendant

TAKE NOTICE that I intend to defend the plaintiff's claim in this action on the following grounds—

(d) Signature of defendant

DATED at this day of , 19

Note 1: If the defendant claims a set off or asks for cross relief, particulars of the relief sought should be stated.
Form 37

WESTERN AUSTRALIA
Mining Act 1978
(Reg. 127)

SUBPOENA FOR WITNESS

In the Warden’s Court at

(a) Full name and address

(b) Full name and address

(c) Place of hearing

(d) Time and date of hearing

(e) Plaintiff

(f) Defendant

(g) Particular things required to be produced

TO:

You are hereby required to attend before this Court at

(c) Place of hearing

(d) Time and date of hearing

(e) Plaintiff

(f) Defendant

(g) Particular things required to be produced

If you neglect to comply with this summons you will be liable to a fine not exceeding one hundred dollars or to arrest.

Dated at

this day of

19

Conduct Money $ Mining Registrar

Mineral Field

Received $ Conduct money

Signature

ENDORSEMENT

This is the paper writing marked "A" referred to in the annexed affidavit of

sworn before me at

this day of

19
JUDGMENT/ORDER OF WARDEN'S COURT

In the Warden's Court at

PLAINT
No. __________

(a) Full name and address

(b) Full name and address

THE Court adjudges that:—

c)

AND the Court orders:—

d)

DATED at
this day of , 19

SEAL OF THE WARDEN'S COURT

Warden/Mining Registrar
Form 39
WESTERN AUSTRALIA
Mining Act 1978
(Reg. 130)

WARRANT OF EXECUTION

In the Warden's Court at

(a) Full name and address
   Plaintiff

(b) Full name and address
   Defendant

TO: The Bailiff

WHEREAS on the

day of , 19

the plaintiff obtained a judgment of this Court against the defendant for debt (or damages) and costs in

the sum of

or

it was ordered by the Court that judgment should be entered for the defendant, or that judgment of

nonsuit should be entered and that costs be paid by the plaintiff to the defendant

in the sum of

and whereas default has been made in the payment thereof.

These are, therefore, to require and order you FORTHWITH TO LEVY against any property

of the defendant or

plaintiff, wheresoever it may be found, the sum of

in addition to the costs of this execution, and also to seize and take any money, or bank notes or securities

for money of the defendant or such part or so much thereof as may be sufficient to

satisfy this execution and the costs of making and executing the same and forthwith to return the same

to me, to be paid over to the defendant together with this warrant.

DATED at this day of , 19

By the Court

Mining Registrar

Mineral Field

Judgment $ 
Costs $ 
Execution $ 
Other $ 
Total amount to be levied $

Application was made for this warrant at on 

Returned this Warrant to the above Warden's Court on the day of , 19

with the sum of in satisfaction thereof.

BAILIFF
Form 40
WESTERN AUSTRALIA
Mining Act 1978
(Sec. 141 Reg. 131)

WARRANT FOR RECOVERY OF POSSESSION

In the Warden's Court at

PLAINT
No.

(a) Full name and address

(b) Full name and address

(c) Here state terms of order

To the Bailiff

WHEREAS on the day of 19

an order was made in the above Court that the defendant deliver up possession of

and whereas the said defendant has refused or neglected so to do.

These are therefore to require and order you FORTHWITH TO eject the said defendant from the aforementioned land and/or mining tenement and to seize and take chattels or minerals specified above and deliver the same into your possession.

By the Court

Warden/Mining Registrar

Mineral Field
NOTICE OF SEIZURE

In the Court at

Plaint No. Warrant No.

Between Plaintiff and Defendant

TO: THE PRINCIPAL REGISTRAR, PERTH OR to the MINING REGISTRAR, at

TAKE NOTICE that under and by virtue of

dated the day of

19 , issued out of the Court at (copy attached)

I have this day seized all the right, title and interest (if any) in and to the shares specified in the undermentioned mining tenement:

<table>
<thead>
<tr>
<th>Details of Mining Tenement</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Type</td>
</tr>
<tr>
<td>(b) Number</td>
</tr>
<tr>
<td>(c) Mineral Field</td>
</tr>
<tr>
<td>(d) Number of Shares</td>
</tr>
</tbody>
</table>

You will therefore communicate with me before registering any transfer, or other dealing with the shares specified while this seizure remains in force.

DATED at this day of . 19

.......................................................... Bailiff

<table>
<thead>
<tr>
<th>OFFICE USE</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Received at m.</td>
<td></td>
</tr>
<tr>
<td>on</td>
<td></td>
</tr>
<tr>
<td>with fee of $</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>(Mining Registrar)</td>
<td></td>
</tr>
</tbody>
</table>
NOTICE OF APPEAL UNDER SECTION 147

Appellant

(b) Full name and address of respondent

To the Warden

Notice is given of an appeal against the final judgment/determination/decision of the Warden's Court at

on the

day of

in respect to:

on the grounds that:

The sum of $150.00 is deposited as security for or towards the costs of this appeal.

Signed

Signature of Appellant or his Solicitor

(Mining Registrar)
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—

until the day of 19

DATED this day of 19

.............................................. Warden

.............................................. Mineral Field
SECOND SCHEDULE

Schedule of Fees and Rents

ANNUAL RENT OF:

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exploration Licence per square kilometre or part thereof</td>
<td>Reg. 18 $18.00</td>
</tr>
<tr>
<td>General Purpose Lease per hectare or part thereof</td>
<td>Reg. 34 $6.00</td>
</tr>
<tr>
<td>Mining Lease per hectare of part thereof</td>
<td>Reg. 25 $6.00</td>
</tr>
<tr>
<td>Miscellaneous Licence per hectare or part thereof</td>
<td>Reg. 39 $6.00</td>
</tr>
<tr>
<td>Prospecting Licence per hectare or part thereof (Minimum $10.00)</td>
<td>Reg. 12 $0.50</td>
</tr>
</tbody>
</table>

APPLICATION FEE FOR:

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exploration Licence</td>
<td>Reg. 18 $150.00</td>
</tr>
<tr>
<td>Mining Lease</td>
<td>Reg. 25 $15.00</td>
</tr>
<tr>
<td>General Purpose Lease</td>
<td>Reg. 34 $15.00</td>
</tr>
</tbody>
</table>

COPY of Mining Tenement Register (per tenement)

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 106</td>
<td>$2.50</td>
</tr>
</tbody>
</table>

EXEMPTION on a mining tenement (per 1/12th of annual expenditure commitment)

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 83</td>
<td>$6.00</td>
</tr>
</tbody>
</table>

ISSUE OF:

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duplicate instrument of lease</td>
<td>Sec. 83 $15.00</td>
</tr>
<tr>
<td>Miner's Right</td>
<td>Sec. 20 $10.00</td>
</tr>
</tbody>
</table>

OBJECTION

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regs. 49, 67, 109, 120</td>
<td>$2.50</td>
</tr>
</tbody>
</table>

PARTIAL Surrender of a Mining Tenement

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reg. 45</td>
<td>$6.00</td>
</tr>
</tbody>
</table>

PERMIT to Enter Private Land—application for (per Lot or Location affected—Minimum $10.00)

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reg. 5</td>
<td>$2.00</td>
</tr>
</tbody>
</table>

PRIVATE LAND—application to bring under the Act

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reg. 8</td>
<td>$10.00</td>
</tr>
</tbody>
</table>

REGISTRATION OF DEALINGS (per tenement affected where applicable):

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agreement</td>
<td>Reg. 109 $6.00</td>
</tr>
<tr>
<td>Application for copy document</td>
<td>Reg. 105 $6.00</td>
</tr>
<tr>
<td>Caveat</td>
<td>Sec. 121 $6.00</td>
</tr>
<tr>
<td>Devolution</td>
<td>Reg. 102 $6.00</td>
</tr>
<tr>
<td>Discharge/Withdrawal of any encumbrance</td>
<td>Reg. 109 $2.50</td>
</tr>
<tr>
<td>Injunction</td>
<td>Reg. 109 $6.00</td>
</tr>
<tr>
<td>Judgment/Order of Court</td>
<td>Reg. 109 $6.00</td>
</tr>
<tr>
<td>Mortgage</td>
<td>Reg. 109 $6.00</td>
</tr>
<tr>
<td>Power of Attorney—each</td>
<td>Reg. 109 $6.00</td>
</tr>
<tr>
<td>Seizure—Notice of</td>
<td>Reg. 132 $6.00</td>
</tr>
<tr>
<td>Sub-lease of Mining Tenement</td>
<td>Reg. 109 $6.00</td>
</tr>
<tr>
<td>Transfer—Mining Tenement</td>
<td>Reg. 75 $6.00</td>
</tr>
<tr>
<td>—Mortgage</td>
<td>Reg. 84 $6.00</td>
</tr>
</tbody>
</table>

RE-INSTATEMENT of Mining Tenement

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reg. 51</td>
<td>$6.00</td>
</tr>
</tbody>
</table>

SURVEY FEES:

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regs. 25, 34</td>
<td>$165</td>
</tr>
</tbody>
</table>

(i) Area

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee Payable</th>
</tr>
</thead>
<tbody>
<tr>
<td>for 2 hectares and under</td>
<td>$40</td>
</tr>
<tr>
<td>4</td>
<td>$60</td>
</tr>
<tr>
<td>8</td>
<td>$80</td>
</tr>
<tr>
<td>12</td>
<td>$100</td>
</tr>
<tr>
<td>16</td>
<td>$120</td>
</tr>
<tr>
<td>20</td>
<td>$140</td>
</tr>
<tr>
<td>30</td>
<td>$165</td>
</tr>
</tbody>
</table>
(ii) In the case of an application for a mining tenement, the boundaries of which are identical with any surveyed land, the fee shall be 50 per cent of the appropriate fee as set out above.

WARDEN'S COURT FEES

(i) Fee payable on— $  
lodging plaint ..................................................... 5.00  
issue of summons for each defendant ......................... 2.00  
issue of subpoena for each witness .......................... 2.00  
lodging notice of defence ........................................ 2.00  
every order made by Warden .................................. 5.00  
issue of every warrant of execution ......................... 5.00  
renewal of every warrant of execution ...................... 5.00  
filing of every affidavit ......................................... 2.00  
every order made for injunction ............................... 5.00  
every copy supplied of a judgment, decision, order or evidence per folio .................................................... 1.00

(ii) Bailiff's Fees Payable for— $  
every process served ........................................... 5.00  
every affidavit of service ....................................... 2.00  
attendance at Court on each hearing ....................... 1.00  
being instructed to levy for executing warrant ............ 5.00  
keeping possession under writ of execution, per day ....................... 5.00  
kilometrage in effecting service of any summons, notice or other document or to execute any writ or warrant—per kilometre or fraction thereof beyond the first kilometre as the crow flies (one way only) ................................................................. 0.30  
poundage on amount raised and paid into Court ........... 4%