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MINING REGULATIONS 1981.

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**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. Citation and commencement.
 (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— Definitions.
 “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. Form of Miner's Rights.
 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. Sampling by holder.

PART III—MINING ON PRIVATE LAND

5. Application under section 30 of the Act for a permit to enter on any private land shall be:— Application for permit to enter private land.
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 (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. Form of permit to enter.
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. Notice of application relating to private land.
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. Application to bring private land under the Act.
 (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. Right of way on private land.

Certain consents to be filed with Under Secretary for Mines.

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.

PART IV—MINING TENEMENTS

Division 1—Prospecting Licences

Marking out and application.

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

Rent to accompany application.

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.

Instrument of licence.

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

Tonnage of ore which may be removed from licence.

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.

Expenditure condition.

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.

Reports to be filed.

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

Application.

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.

Fee, rent to accompany application.

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.

Instrument of licence.

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

Tonnage of ore which may be removed from licence.

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.

Expenditure condition.

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—

Reports to be filed.

- (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.

Notification of retained area.

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.

Marking out and application.

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

Fees, rent to accompany application.

- (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.

Instrument of lease.

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

Covenants.

- (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.

Additional condition.

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.

Application for renewal.

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

Notice required under Section 70 (8).

application serve notice in the form No. 21 in the First Schedule on the holder of the exploration licence.

Expenditure
condition.

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.

Reports to be
filed.

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

Marking out
and
application.
Fees, rent to
accompany
application.

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.

Instrument of
lease.

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

Covenants and
conditions.

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

Marking out
and
application.

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 93(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.

Shape of licence.

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

Rent to accompany application.

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.

Information to be provided at hearing of application.

41. Every miscellaneous licence shall contain and be subject to the following covenants and conditions that the licensee shall:—

Covenants and conditions.

- (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.

Instrument of licence.

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).

Surrender of tenement.

(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.

Shape of tenement after partial surrender.

(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—

Marking out etc. required for partial surrender.

- (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.

Partial
surrender to be
endorsed on
instrument of
lease/licence.
Consent of
mortgagee to
surrender.

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.

Plaint for
forfeiture.

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.

Forfeiture for
non-payment
of rent etc.

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.

Notice to
holder of
mining
tenement of
intended
forfeiture.

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.

Application for re-instatement.

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.

No expenditure obligation while plaint lodged.

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.

Notice to mortgagee.

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.

Application for certificate of exemption.

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—

Time for lodging of objections to certain exemptions.

- (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.

Application to be heard by warden.

(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.

Mining registrar may himself deal with certain applications.

58. A certificate of exemption shall be in the form No. 19 in the First Schedule.

Certificate of exemption.

PART V—GENERAL REGULATIONS
Division 1—Marking out Mining Tenements

Manner of marking out a tenement.

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.

Stones in lieu of trenches.

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.

Marking out surveyed land.

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.

Surplus land may be applied for by others.

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.

Land marked out but not applied for.

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

Appli-
cation for
mining
tenement.

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 33 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.

Number of shares to be stated on application. Description of boundaries.

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.

Objection against application.

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.

Warden may obtain report.

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—

Withdrawal of applications.

- (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—

Refund of fees on withdrawal or refusal of applications.

- (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.

Boundary marks to be maintained.

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.

No liability for mining if boundary marks not maintained.

Holder to identify boundaries.

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.

False documents/ notices not to be posted.

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

Transfer of tenement.

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.

Separate caveat for each tenement.

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

Mortgage and priority of mortgages.

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) when it is intended to be so charged, a mortgage in the form No. 25 in the First Schedule shall be lodged; and
- (b) where there are two or more mortgages affecting the same tenement, they shall take priority according to the date and time of their registration.

Effect of Mortgage.

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.

Covenants included in mortgage.

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.

Mortgagee's expenses may be added to 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.

Transfer under powers contained in mortgage.

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.

Redemption of 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).

Discharge of mortgage.

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).

Transfer of mortgage.

Division 5—Production and Royalties

Monthly
production
report to be
filed.

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.

Rates of
royalty.

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:—

Mineral	Column 1	Column 2	Column 3	
	Amount per tonne according to quantity produced or obtained	Percentage of the realised value	The rate as specified hereunder	
Abrasives	30 cents	5%		
Aggregate		5%		
Alunite		5%		
Amblygonite		5%		
Antimony		5%		
Arsenic		5%		
Asbestos		5%		
Attapulgit		5%		
Barytes		5%		
Bauxite		7½%		
Bentonite		5%		
Beryl		5%		
Bismuth		5%		
Building Stone		50 cents		7½%
Calcite	30 cents	5%		
Chromite		5%		
Clays				
Coal (inc. peat and lignite) —not exported				\$1 per tonne, to be adjusted each year at 30 June in accordance with the percentage increase in the average ex-mine value of Collie coal for the year ending on that date when compared with the corresponding value of Collie coal for the year ending on 30 June 1981.
—sold to a W.A. Govt. instrumentality		5 cents		
—exported				7½%
Cobalt				2½%
Copper				5%
Corundum				5%
Diamond				7½%
Diatomaceous Earth	30 cents	5%		
Dolomite		5%		
Emery		5%		
Feldspar		5%		
Fluorite		5%		
Fullers Earth		5%		
Gadolinite		5%		
Garnet		5%		
Gems and Precious Stones		7½%		
Glauconite		5%		
Graphite	30 cents	5%		
Gravel				
Gypsum				
Ilmenite		2½% of the realised value with a minimum of 50 cents per tonne but on ilmenite concentrates used as feed stock into the producers ilmenite beneficiation plant (i.e. a processing plant using any method whatsoever capable of producing or designed to produce upgraded ilmenite containing an average titanium dioxide (TiO ₂) content of not less than 90 percent) in Western Australia, at the rate of 50 cents per tonne on the ilmenite fed into the plant.		

Mineral	Column 1	Column 2	Column 3
	Amount per tonne according to quantity produced or obtained	Percentage of the realised value	The rate as specified hereunder
Iron Ore		7½%	
Jarosite		5%	
Kaolin		5%	
Kyanite		5%	
Lead		5%	
Lepidolite		5%	
Leucoxene			2% of the realised value with a minimum of \$3.75 per tonne.
Limestone (metallurgical)	50 cents		
Limestone (construction)	30 cents		
Magnesite		5%	
Magnetite		5%	
Manganese		7½%	
Mercury		2½%	
Mica		5%	
Molybdenite		5%	
Monazite			2½% of the realised value with a minimum of \$6.25 per tonne.
Nickel			In accordance with the following formula: $\frac{P \times U}{100} \times \frac{2.5}{100} = \$R \text{ per tonne}$ <p>Where P=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=the number of units per hundred of nickel metal in the nickel-containing products sold. Where R=the royalty.</p>
Niobium		5%	
Ochre		5%	
Oil Shale		5%	
Petalite		5%	
Phosphate rock		5%	
Platinoids		2½%	
Pyrites		5%	
Pyrophyllite			
Quartz Crystal	50 cents		
Rock		7½%	
Rutile	30 cents		2½% of the realised value with a minimum of \$4.50 per tonne.
Salt	30 cents		
Sand	30 cents		
Semi-precious stones		7½%	
Shale	30 cents		
Silica	50 cents		
Sillimanite		5%	
Silver		2½%	
Spodumene		5%	
Talc	50 cents		
Tantalum			5% of the realised value when sold as concentrate; or 5% of the value in concentrate form if processed further before sale.
Tin			2½% of the realised value of tin metal when sold in that form; or, when sold in any other form, 2½% of the value of the contained tin calculated at the ruling price of tin metal used for the purpose of the sale.
Tungsten		5%	
Uranium		5%	
Vanadium		5%	
Vermiculite		5%	
Zinc		5%	
Zircon			2½% of the realised value with a minimum of \$1.25 per tonne.
Other minerals		5%	

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.

Time for payment.	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.
Access to records to ascertain royalty.	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.
Recovery of royalty.	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

Forms to be completed in accordance with directions.	90. A form prescribed by these regulations shall be completed in accordance with such directions as are specified in the form as so prescribed.
Appeal to Minister.	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.
Shape of tenement.	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.
Rent payable on tenements.	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.
Refund of fees on surrender/forfeiture.	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.

Tenements within more than one mineral field or district.

(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.

Release of information contained in reports.

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.

No mining that obstructs public thoroughfares etc.

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.

Control of detritus, dirt etc.

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.

Decency and sanitation.

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.

Removal of fences, timbers etc.

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.

Warden may cause inspections of mining operations.

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.

Devolution on death etc.

(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 bona fide and for valuable consideration under any subsequent deed, contract or other instrument duly registered.

Un-registered deeds etc void as against registered instruments.

- Time for any act may be extended. 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.
- Application for copy document. 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.
- Register to be kept and copy obtainable. 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).
- Amendment of particulars shown in register. 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.
- Appointment of attorney. 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.
- Fees and rents. 109. Fees and rents payable are set out respectively in the Second Schedule.
- Registration of dealings. 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).
- Service of notices. 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:

Securities.

- (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.

Employees not to use information.

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

Warden's order not to be disobeyed.

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.

General Penalty.

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.

Licensed Surveyors Act to apply.

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.

Grant of tenement subject to survey.

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.

Boundary marks to be pointed out.

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.

Adjustment of boundaries.

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.

Disputes and objections to survey.

(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.
- Subpoena of witness. 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. Costs.

(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. Copy of judgment.

(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. Warrant of execution.

(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. Warrant for recovery of possession.

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. Notice of seizure.

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— Sale under warrant of execution.

- (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. Transfer upon sale.

Appeal to
Supreme
Court.
Injunction.

135. An appeal pursuant to section 147 of the Act shall be made in the form No. 42 in the first Schedule.

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

FIRST SCHEDULE

Schedule of Forms

Form

1. Miner's Right.
2. Application for Permit to Enter upon Private Land.
3. Permit to Enter upon Private Land.
4. Instrument of Licence—Prospecting Licence.
5. Report on Operations on Mining Tenement.
6. Instrument of Licence—Exploration Licence.
7. Notification under Section 65(3).
8. Instrument of Lease—Mining Lease.
9. Application for Renewal of Mining Lease.
10. Instrument of Lease—General Purpose Lease.
11. Instrument of Licence—Miscellaneous Licence.
12. Surrender.
13. Notice of Re-Marking.
14. Partial Surrender.
15. Application for Forfeiture.
16. Objection.
17. Application for Re-Instatement.
18. Application for Exemption.
19. Certificate of Exemption.
20. Notice of Marking Out.
21. Application for Mining Tenement.
22. Withdrawal.
23. Transfer.
24. Caveat.
25. Mortgage.
26. Discharge of Mortgage.
27. Monthly Production Report.
28. Devolution.
29. Application for Copy Document.
30. Application to Amend.
31. Power of Attorney.
32. Security.
33. Plaint.
34. Summons.
35. Affidavit of Service.
36. Notice of Defence.
37. Subpoena for Witness.
38. Judgment/Order of Warden's Court.
39. Warrant of Execution.
40. Warrant for Recovery of Possession.
41. Notice of Seizure.
42. Notice of Appeal under section 147.
43. Injunction.

FORM No. 1
Western Australia
Mining Act 1978
(Sec 20 Reg 3)



MINER'S RIGHT

MINER'S RIGHT

FEE — \$10.00

NOT TRANSFERABLE

FEE — \$10.00

To whom Issued

.....

By whom Issued

Place of Issue

Date of Issue

Issued to

(Name in Full)

under the provisions of the Mining Act 1978.

Place of Issue

Date of Issue

.....
Signature of Issuing Officer

(note reverse)

21

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.

Form 2 WESTERN AUSTRALIA
Mining Act 1978
(Sec. 30 Reg.5)

**APPLICATION FOR PERMIT TO ENTER
UPON PRIVATE LAND**

No.

To: The Warden,

(a) Mineral Field (a) Mineral Field

The undersigned hereby makes application for a permit to enter upon

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

* Map to be attached. as delineated on the *attached map, for the purpose of

(c) State whether the application is for the purpose of searching for minerals or to mark out a mining tenement and the type of such tenement. (c)

(d) Full name and address of applicant. (d)

DATED this _____ day of _____ 19 _____

(e) Signature of applicant. (e)

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

Form 3 WESTERN AUSTRALIA
Mining Act 1978
(Sec. 30 Reg. 6)

PERMIT TO ENTER UPON PRIVATE LAND

No.

Pursuant to the provisions of the Mining Act 1978,

(a) Full name
and address
of permit
holder

(a)

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

(b) Set out
particulars
of the land

(b)

subject to:—

(c) Conditions,
if any

(c)

This Permit EXPIRES on the _____ day of _____, 19

DATED at _____ this _____ day of _____, 19

..... Warden

..... Mineral Field

The holder of a permit issued under Section 30 of the Mining Act 1978, or his duly authorized agent is authorized during the currency of the permit:—

- (a) to enter upon and remain on the surface of the private land to which the permit relates;
- (b) to search thereon for any mineral and detach one or more samples of any vein or lode outcropping on the surface thereof not exceeding in the aggregate thirteen kilograms and to take therefrom such other samples as may be agreed by the owner or, where the owner is not in occupation of the private land, the occupier of the private land; and
- (c) to remove from the private land such samples for the purpose of assaying or testing the value thereof, and to mark out a mining tenement with respect to that land or any part thereof.

but the holder or his duly authorized agent shall not carry out any other mining operations on or otherwise disturb the surface of the land.

Form 4
Instrument of
Licence

WESTERN AUSTRALIA
Mining Act 1978
(Sec. 116 Reg. 13)

PROSPECTING LICENCE No.

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

(a)

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

(b) Locality

(b)

in the

(c) Mineral Field

(c)

Mineral Field

containing approximately

(d) Area

(d)

hectares

for a term of two years commencing on the

(e) Date
Licence
granted

(e)

(f) Date
instrument
issued

(f)

.....
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:

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)

(a) Cross out those not applicable This Annual/Final/Surrender/Partial Surrender (a) Report covers the period from

(b) Period covered by return (b) to

(c) Type (c) (d)
(d) Number
(e) Locality (e) (f)
(f) Mineral Field

Details of Mining Tenement	
(c)	(d)
(e)	(f)

(g) Full name and address of holder

Holder
(g)

(h) Brief summary of operations detailed in attached reports

SUMMARY OF OPERATIONS	
(h)	

(i) List here the detailed reports attached

Attached Reports	
(i)	

(j) Amount expended \$ Aust.

(j) 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

(k) Signature of holder

(k)

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.

Form 6
Instrument of
Licence
WESTERN AUSTRALIA
Mining Act 1978
(Sec. 116 Reg. 19)

EXPLORATION LICENCE

No.

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

(a)

is/are 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

(b) Locality

(b)

in the

(c) Mineral Field

(c)

Mineral Field

for a term of five years commencing on the

(d) Date
Licence granted

(d)

(e) Date
Instrument
issued

(e)

.....
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:

Form 7 WESTERN AUSTRALIA
Mining Act 1978
(Sec. 65 Reg. 23)

NOTIFICATION UNDER SUBSECTION (3) OF SECTION 65

TO: UNDER SECRETARY FOR MINES

(a) Number (b) Mineral Field (c) Date term commenced (d) Present area	Details of Exploration Licence	
	(a)	(b)
	(c)	(d)

(e) Full name and address of holder	Holder
	(e)

(f) Description of boundaries of land for each discrete area	Land to remain subject to Licence
	(f)
(g) Area	(g)

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 (h).....

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

O F F I C E		This notification received	
		at	
		on.....	
		by.....	

Form 8
INSTRUMENT OF LEASE

WESTERN AUSTRALIA
Mining Act 1978
(Reg. 26)

MINING 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 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.

31

FIRST SCHEDULE

(The name address and description of the Lessee and the shares in which the lease is held.)

SECOND SCHEDULE

(Description of Land:)

Locality:

Mineral Field:

Area, etc.:

Being the land delineated on Survey Diagram No.
recorded in the Department of Mines, Perth.

and

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

Form 9 WESTERN AUSTRALIA
Mining Act 1978
(Sec. 78 Reg. 29)

APPLICATION FOR RENEWAL OF MINING LEASE

(a) Number (b) Mineral Field (c) Expiry Date	Details of Mining Lease	
	(a)	(b)
	(c)	

(d) Full name and address of holder	Holder
	(d)

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____

(e) Signature of holder Signed (e)

OFFICE MISC	Received at
	on
 (Mining Registrar)

Form 10
INSTRUMENT OF LEASE

WESTERN AUSTRALIA
Mining Act 1978
(Reg. 35)

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 therefor the rents and royalties for the time being and from time to time respectively prescribed pursuant to the provisions of the Mining Act 1978 at the times and in the manner so prescribed

AND it is hereby agreed and declared that unless the Lessee shall at all times duly and punctually perform and observe the covenants and conditions hereinafter contained or implied herein this lease shall be liable to forfeiture and may be forfeited by the Minister pursuant to the powers in that behalf conferred by the Mining Act 1978. The covenants and conditions hereinbefore referred to are that the Lessee shall—

1. pay the rents due under this lease at the prescribed time and in the prescribed manner
2. use the land in respect of which this lease is granted solely for the purpose set out in the Second Schedule to this lease
3. not 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.

34

FIRST SCHEDULE

(The name address and description of the Lessee and the shares in which the lease is held.)

SECOND SCHEDULE

(Here set out such of the purposes referred to in Section 87(1) of the Mining Act 1978 as this lease is to be granted for.)

THIRD SCHEDULE

(Description of Land:)

Locality:

Mineral Field:

Area, etc.:

Being the land delineated on Survey Diagram No.

and

recorded in the Department 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.

Form 11
Instrument
of Licence
WESTERN AUSTRALIA
Mining Act 1978
(Sec. 116 Reg. 42)

MISCELLANEOUS LICENCE

No.

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

(a)

is the holder of the above Licence situated at

(b) Locality

(b)

in the

(c) Mineral Field

(c)

Mineral Field containing

(d) Area

(d)

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

(e) Date Licence granted

(e)

day of

19

and authorizes the holder to:

(f) Purpose of
Licence

(f)

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 granted

(g)

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

Issued this

day of

19

.....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

Form 12 WESTERN AUSTRALIA
Mining Act 1978
(Sec. 95 Reg. 43)

SURRENDER

(a) Type (b) Number (c) Mineral Field	Details of Mining Tenement	
	(a)	(b)
	(c)	

(d) Full name and address of each holder	Holder
	(d)

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

If the surrender is a conditional one, add "conditionally on application for being granted"

DATED this _____ day of _____ 19____

(e) Signature of holder (f) Signature of witness	Holders sign here	in the presence of	Witnesses sign here
	(e)		(f)

O F F I C E U S E	Received at
	on
 (Mining Registrar)

Form 13

WESTERN AUSTRALIA
Mining Act 1978
(Reg. 45)

NOTICE OF RE-MARKING

(to be fixed to Datum Post of retained portion)

(a) Type
(b) Number
(c) Mineral Field

Details of Mining tenement	
(a)	(b)
(c)	

(d) Full name
and address
of holder

Holder
(d)

The abovementioned mining tenement has been re-marked for the purpose of a surrender of part of the tenement under the provisions of the Mining Act 1978. The following is a description of the retained portion:—

(e) Describe
boundaries of
retained portion

Portion Retained
(e)
(f)

(f) Area of
retained portion

(g) Date and time
of re-marking

(g)

(h) Signature
of holder

(h)

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)

(a) Type (b) Number (c) Mineral Field	Details of Mining Tenement	
	(a)	(b)
	(c)	

(d) Full name and address of each holder	Holder
	(d)

* If the surrender is a conditional one, add "conditionally on application for being granted"

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

(e) Describe the boundaries of the portion being surrendered	PORTION BEING SURRENDERED
	(e)
Area (ha/km ²)	

DATED this _____ day of _____, 19__

(f) Signature of holder (g) Signature of witness	Holders sign here	in the presence of	Witnesses sign here
	(f)	(g)

OFFICE MISC		Received at	
		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:—

Column 1	Column 2		Column 3
Mining Tenement	Failure to pay rental		Other Breach
	Amount	Date Due	

DATED this _____ day of _____ 19____

.....
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, 75,
Regs. 49, 67, 120)

OBJECTION No.

To: The Warden

(a) Mineral Field (a) Mineral Field

The undersigned objects to

(b) Insert parti-
culars of matter
objected to 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 _____ 19

(f) Signature of objector or agent (f).....

OFFICE USERS	This objection will be heard in the Warden's Court at _____ at _____	
	the hour of _____ .m. on the _____ day of _____	19
	Received atm. on..... with fee of \$	
 (Mining Registrar)	

Form 17 WESTERN AUSTRALIA
Mining Act 1978
(Reg. 51)

APPLICATION FOR RE-INSTATEMENT No.

(a) Type (b) Number (c) Mineral Field	Details of Mining Tenement	
	(a)	(b)
	(c)	
(d) Full name and address of each applicant	Applicant	
	(d)	

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

(e) Reason for forfeiture (e)
(f) Date of forfeiture on the (f)

This application is made on the following grounds:—

(g) Reasons for application (g)

DATED this _____ day of _____ 19

(h) Signature of applicant (h).....

O F F I C E		Received at	
		on.....	
		with fee of \$.....	
	 (Mining Registrar)	

Form 18 WESTERN AUSTRALIA
Mining Act 1978
(Sec. 102 Reg. 54)

APPLICATION FOR EXEMPTION No.

(a) Type (b) Number (c) Mineral Field	<p>Details of Mining Tenement</p> <p>(a) _____ (b) _____</p> <p>(c) _____</p>
(d) Full name and address of each holder	<p>Holder</p> <p>(d) _____</p>
(e) Amount of expenditure for which exemption is sought (f) Fraction of annual expenditure condition (g) Reasons for exemption.	<p>Exemption Details</p> <p>(e) (\$) _____ (f) _____ /12ths</p> <p>(g) _____</p>

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).....

O F F I C E U S E	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.....	
		Received at m. on with fee of \$ _____ (Mining Registrar)

Form 20 WESTERN AUSTRALIA
Mining Act 1978
(Sec. 105 Reg. 59)

NOTICE OF MARKING OUT

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

NOTICE IS given that

(a) Full name and address of applicant (a)

has marked out this land under the provisions of the Mining Act 1978 as a

(b) Type of tenement (b)

and the following is a description of the boundaries thereof:—

(c) Description of boundaries (c)

(d) Approximate area (ha/km²) (d)

Marking out was completed by fixing this notice at

(e) .m. on the . day of . 19

(f) Signature of applicant (f)

Form 21 WESTERN AUSTRALIA
Mining Act, 1978
(Secs. 41, 58, 74, 86, 91 Reg. 64)

APPLICATION FOR MINING TENEMENT

(a) Type of tenement
(b) Time & Date marked out (where applicable)
(c) Mineral Field

(a) _____ No. /

(b) a.m./p.m. / / (c) _____

APPLICANT
(d) Full name for
(e) Address of each
(f) No. of shares applicant
(g) Total No. of shares

(d) & (e)	(f) Shares
(g) Total	

DESCRIPTION OF GROUND APPLIED FOR

(h) Locality
(i) Datum Peg or Starting Point
(j) Boundaries

(h)

(i)

(j)

(k) Area (ha or km²)

(k) _____

(l) Signature of applicant or agent

(l)

DATE

NOTE

Where a general purpose lease—S. 86 (1) or a miscellaneous licence—S. 91 (1) is being applied for the mining lease or mining tenement to which it relates should be stated.

TYPE	NUMBER

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.....

OFFICE USERS	FEES PAID	\$	c	Map ref. Plan Scale
	Application			
	Rent			
	Survey Fee			
TOTAL				Received at m. on (Mining Registrar)

31021/3/81—100M—L/439

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).

Form 23

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

STAMP DUTY

TRANSFER No.

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

Details of Mining Tenement and Interest	
(a)	(b)
(c)	(d)

TRANSFEROR
(e) Full name and address

(e)

CONSIDERATION
(f) In words—see Note 1

(f)

TRANSFeree
(g) Full name and address

(g)

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 ____

(h) Signature of transferor (i) Signature of transferee (j) Signature of witness	TRANSFERORS sign here Signed (h) in the presence of (j) Signed (h) in the presence of (j) Signed (h) in the presence of (j)	TRANSFereES sign here Signed (i) in the presence of (j) Signed (i) in the presence of (j) Signed (i) in the presence of (j)
--	--	--

OFFICE M/S	Received at
	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.

Form 24 WESTERN AUSTRALIA
Mining Act 1978
(Sec. 121 Reg. 76)

CAVEAT No.

(a) Type (b) Number (c) Mineral Field	(a) _____ (b) _____ (c) _____
(d) Specify "the whole" or the number of shares being caveated (e) Full name of holder of shares being caveated	(d) _____ (e) _____
(f) Full name and address of caveator	(f) _____

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

(g) Specify the grounds on which the claim is made See Note 1. (h) Address for service of notices	(g) _____ and whilst this caveat remains in force FORBIDS the registration of any transfer or other instrument affecting such tenement or interest and appoints (h) _____
--	---

as the place at which notices and proceedings relating to this caveat may be served.,
 DATED this _____ day of _____, 19

Caveator signs here	Witness signs here
Signed (i) in the presence of (j).....	

(i) Signature of caveator
(j) Signature of witness

O F F I C E U S E		Received atm. 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)

STAMP DUTY

MORTGAGE No.

DETAILS OF
TENEMENTS BEING
MORTGAGED.
State Type, Number
and Mineral Field

[Empty rectangular box for details of tenements being mortgaged]

INTEREST BEING
MORTGAGED.
State whether the
whole of the shares
in the above tenement
or some lesser
interest.

[Empty rectangular box for interest being mortgaged]

ENCUMBRANCES.
Insert details of
any encumbrances
registered against
the mining
tenement. If none,
insert 'NIL'

[Empty rectangular box for encumbrances]

MORTGAGOR
Full name and
address

[Empty rectangular box for mortgagor details]

MORTGAGEE
Full name and
address

[Empty rectangular box for mortgagee details]

Principal Sum
secured (in words)

How and when
Principal Sum is
to be repaid

Rate of interest
to be paid

How interest is
payable

In consideration of the above principal sum owing by the Mortgagor to the Mortgagee, THE
MORTGAGOR:—

FIRSTLY, for the purpose of securing the payment in the manner aforesaid of the principal sum and interest MORTGAGES to the MORTGAGEE the interest herein specified in the abovementioned mining tenements subject however to the encumbrances as shown hereon.

SECONDLY, covenants with the Mortgagee as follows:

1. That the Mortgagor will pay to the Mortgagee the said principal sum in the manner and at the times above set forth.

2. That the Mortgagor will in the meantime pay interest on the said principal sum at the rate, in the manner, and at the times above set forth.

*Here set forth any further covenants

3. *

DATED this _____ day of _____, 19__

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

MORTGAGOR/S sign here	
Signed (a)	
in the presence of (b)	
Signed (a)	
in the presence of (b)	

O F F I C E	Received atm.	
	on.....	
	with fee of \$.....	
	
	(Mining Registrar)	

51

Form 26 WESTERN AUSTRALIA
Mining Act 1978
(Reg. 83)

DISCHARGE OF MORTGAGE No.

(a) Full name and address of mortgagee (a)

being the mortgagee mentioned in a mortgage dated

(b) Date of Mortgage (b)

numbered

(c) Number of Mortgage (c)

and registered against

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

do hereby certify and acknowledge that the whole of the debt or liability secured by the said mortgage has been fully paid or discharged.

DATED this _____ day of _____, 19____

Signed

(e) Signature of Mortgagee

(e).....

(f) Signature of witness

in the presence of

(f).....

O F F I C E C U S E		Received at m. on..... with fee of \$..... (Mining Registrar)	
--	--	---	--

Form 27

WESTERN AUSTRALIA
Mining Act 1978
(Reg. 85)

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

MATERIAL MINED OR TREATED					MINERAL RECOVERED			
Type (state whether alluvial, deep mined, lode, etc.)	Quantity (tonnes of ore)	Sands &/or Slimes (tonnes)	Estimated Assay	Estimated Value \$	Type (state mineral and whether ore, concentrates, etc.)	Quantity	Assay (or fine gold content)	Estimated Value \$

52

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.

Details of Mining Tenement (or application therefor) and Interest	
(a) Type (b) Number (c) Mineral Field (d) Number of shares	(b) (d)

(e) Document from which title derived

(e)

(f) Full name and address of applicant

(f)

* 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).....

O F F I C E U S E		Received at.....m. on..... with fee of \$..... (Mining Registrar)	
---	--	---	--

Form 29 WESTERN AUSTRALIA
Mining Act 1978
(Reg. 105)

APPLICATION FOR COPY DOCUMENT No.

(a) Full name I, (a)
(b) Address of (b)

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	Details of Document
	(c)

(d) State whether document lost/destroyed, etc. as the case may be and the circumstances	Reasons for non-production
	(d)

(e) Signature of declarant Signed (e)

DECLARED before me at
this day of 19.....

(f) Signature of witness See Note 1 (f)

O F F I C E		Received at m.	
		on	
		with fee of \$	
	 (Mining Registrar)	

Note 1: This Declaration may be made before a Commissioner of Declarations, Justice of the Peace, Mining Registrar or other authorised person.

Form 30 WESTERN AUSTRALIA
Mining Act 1978
(Reg. 107)

APPLICATION TO AMEND No.

(a) Type (b) Number (c) Mineral Field	Details of Mining Tenement of application therefor	
	(a)	(b)
	(c)	

(d) Full name and address	Holder/Applicant (d)
---------------------------	--------------------------------

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

(e) Present particulars shown in register	FROM
	(e)

(f) Amended particulars	TO
	(f)

DATED this _____ day of _____, 19 ____

(g) Signature of holder/applicant (g).....

O F F I C E U S E		Received at.....m. on..... (Mining Registrar)	
---	--	--	--

Form 31 WESTERN AUSTRALIA
Mining Act 1978
(Reg. 108)

POWER OF ATTORNEY No.

(a) Full name and address of donor I, (a)

DO HEREBY APPOINT

(b) Full name and address of donee (b)

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

*or otherwise according to the nature and extent of the powers intended to be conferred

And for me and in my name to sign all such applications, notices, transfers, mortgages, sub-leases, and other instruments, and do all such acts matters and things as may be necessary or expedient for carrying out the powers hereby given, and for recovering all sums of money that are now or may become due or owing to me, and for enforcing or varying any contract, covenant, or condition binding upon any lessee, tenant, or occupier or upon any other person in respect of the said lands and for recovering and maintaining possession of the said lands, and for protecting 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 (d)

OFFICE USE		Received at m.	
		on..... with fee of \$	
	 (Mining Registrar)	

Form 32 WESTERN AUSTRALIA
Mining Act 1978
(Sec. 126 Reg. 112)

SECURITY

By this security the subscriber is for himself, his executors and administrators or in the case of a subscriber being a corporation 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 (a)

subject only to this condition that, if

(b) Full name and address of applicant or holder (b)

shall comply with the conditions to which

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

is, or will from time to time be subject, and with the provisions of the Mining Act 1978 and Regulations thereunder then this security shall be thereby discharged.

DATED at this day of, 19

(d) Signature of applicant/holder (e) Signature of witness	Applicant or Holder signs here	in the presence of	Witness signs here
	(d)	(e)	

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

PLAINT No.

In the Warden's Court at

(a) Name and address of Plaintiff

<p>Plaintiff (a)</p>

v

(b) Name and address of defendant

<p>Defendant (b)</p>

The Plaintiff claims that:—

(c) Nature of the claim

(c)

and asks:—

(d) Nature of relief sought

(d)

DATED this _____ day of _____, 19__

(e) Signature of Plaintiff (e)

O F F I C E U S E	Received atm. on with fees as stated. (Mining Registrar)	Fees Paid	\$	c
		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

Plaint
No. /

TO:

(a) full name and
address of
Defendant

(a)

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

(b) Place of
hearing

(b)

(c) Time and
date of
hearing

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

to answer the claim of the plaintiff

(d) Full name of
Plaintiff

(d)

as follows:—

(e) Nature of
claim as
stated in
Plaint

(e)

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

PLAINT
No. /

(a) Full name and address

Plaintiff (a)

v

(b) Full name and address

Defendant (b)

(c) Full name and address (c) 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:—

Full name of person on whom service effected :

Manner of service :

Address where service effected :

Sworn before me at

this _____ day of _____, 19____.

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

Form 36 WESTERN AUSTRALIA
Mining Act 1978
(Reg. 126)

NOTICE OF DEFENCE

PLAINT
No...../.....

In the Warden's Court at

(a) Full name
and address

Plaintiff
(a)

v

(b) Full name
and address

Defendant
(b)

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

(c) Grounds of
defence

(c)

+Delete if not
applicable.
(See Note 1)

+ and the defendant claims

DATED at _____ this _____ day of _____, 19 _____

(d) Signature
of defendant

(d).....

OFFICE USE	Received at..... m.	
	on..... with fee of \$..... (Mining Registrar)	

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

PLAINT
No. /

(a) Full name and address
Plaintiff
(a)

(b) Full name and address
Defendant
(b)

TO:

You are hereby required to attend before this Court at

(c) Place of hearing (c) at

(d) Time and date of hearing (d) . m. on the . day of . 19

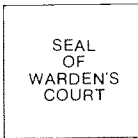
and at every adjournment thereof to give evidence on behalf of

(e) Plaintiff/Defendant (e)

and to produce to the Court

(f) State the particular things required to be produced (f)

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

Form 38

WESTERN AUSTRALIA
Mining Act 1978
(Reg. 129)

JUDGMENT/ORDER OF WARDEN'S COURT

In the Warden's Court at

PLAINT
No. /

(a) Full name
and address

Plaintiff
(a)

v

(b) Full name
and address

Defendant
(b)

THE Court adjudges that:—

(c) Insert
decision

(c)

AND the Court orders:—

(d) Set forth
the order
in full

(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

PLAINT
No. /

In the Warden's Court at

(a) Full name and address
Plaintiff
(a)

(b) Full name and address
Defendant
(b)

TO: The Bailiff

* Delete whichever not applicable
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.

† Defendant or Plaintiff
These are, therefore, to require and order you FORTHWITH TO LEVY against any property of the † 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 † 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 † together with this warrant.

SEAL OF THE COURT

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 m. 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
Plaintiff
(a)

(b) Full name and address
Defendant
(b)

To the Bailiff

WHEREAS on the day of 19

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

(c) Here state terms of order
(c)

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

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

SEAL OF THE COURT

..... Warden/Mining Registrar

..... Mineral Field

Form 41

WESTERN AUSTRALIA
Mining Act 1978
(Reg. 132)

NOTICE OF SEIZURE

In the _____ Court at _____
 Plaintiff 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:—

Details of Mining Tenement	
(a)	(b)
(c)	
(d)	

(a) Type
 (b) Number
 (c) Mineral Field
 (d) Number of
 Shares

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

RECEIVED	Received at
	on..... with fee of \$
 (Mining Registrar)

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Form 43

WESTERN AUSTRALIA
Mining Act 1978
(Reg. 136)

INJUNCTION

No.

UPON the application of

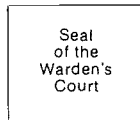
and whereas sufficient notice has been given to the parties interested and after hearing the evidence,
I HEREBY ORDER THAT:

and his servants, workmen and agents, be restrained from:—

*Terms of
injunction
granted

until the _____ day of _____, 19 ____

DATED this _____ day of _____, 19 ____



..... Warden

..... Mineral Field

SECOND SCHEDULE

Schedule of Fees and Rents

ANNUAL RENT OF:—		\$
Exploration Licence per square kilometre or part thereof	Reg. 18	18.00
General Purpose Lease per hectare or part thereof	Reg. 34	6.00
Lease granted under the Mining Act, 1904, either pursuant to or continued in force by virtue of an agreement scheduled to, incorporated in or appearing in an Act or a variation of such an agreement, per hectare or part thereof		6.00
Mining Lease per hectare of part thereof	Reg. 25	6.00
Miscellaneous Licence per hectare or part thereof	Reg. 39	6.00
Prospecting Licence per hectare or part thereof—(Minimum \$10.00).....	Reg. 12	0.50
APPLICATION FEE FOR:—		
Exploration Licence.....	Reg. 18	150.00
Mining Lease	Reg. 25	15.00
General Purpose Lease	Reg. 34	15.00
COPY of Mining Tenement Register (per tenement)	Reg. 106	2.50
EXEMPTION on a mining tenement (per 1/12th of annual expenditure commitment)	Reg. 54	6.00
ISSUE OF:—		
Duplicate instrument of lease	Sec. 83	15.00
Miner's Right.....	Sec. 20	10.00
OBJECTION.....	Regs. 49, 67, 109, 120	2.50
PARTIAL Surrender of a Mining Tenement.....	Reg. 45	6.00
PERMIT to Enter Private Land—application for (per Lot or Location affected—Minimum \$10.00).....	Reg. 5	2.00
PRIVATE LAND—application to bring under the Act	Reg. 8	10.00
REGISTRATION OF DEALINGS (per tenement affected where applicable):—		
Agreement.....	Reg. 109	6.00
Application for copy document	Reg. 105	6.00
Caveat.....	Sec. 121	6.00
Devolution.....	Reg. 102	6.00
Discharge/Withdrawal of any encumbrance	Reg. 109	2.50
Injunction.....	Reg. 109	6.00
Judgment/Order of Court	Reg. 109	6.00
Mortgage	Reg. 109	6.00
Power of Attorney—each	Reg. 109	6.00
Seizure—Notice of	Reg. 132	6.00
Sub-lease of Mining Tenement	Reg. 109	6.00
Transfer—Mining Tenement	Reg. 75	6.00
—Mortgage.....	Reg. 84	6.00
RE-INSTATEMENT of Mining Tenement.....	Reg. 51	6.00
SURVEY FEES:—	Regs. 25, 34	

(i) Area	Fee Payable \$
for 2 hectares and under	40
4	60
8	80
12	100
16	120
20	140
30	165

	Fee Payable \$
40	190
50	215
60	240
80	270
100	300
120	330
140	360
160	390
180	420
200	450
250	530
300	610
350	690
400	770
450	850
500	930
550	1010
600	1090
650	1170
700	1250
750	1330
800	1410
850	1490
900	1570
950	1650
1000	1730

- (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 (Minimum \$2.00).....	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%