

WESTERN AUSTRALIA

I SALIENT GENERAL FEATURES

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|------------|---|------------------|
| Capital | : | Perth |
| Area | : | 2,525,500 Sq. km |
| Population | : | 2,050,900 |
| Language | : | English |

II MINING LEGISLATIVE FRAMEWORK

A. Short title and commencement

This Act may be cited as the Mining Act 1978. The Act shall come into operation on the day on which this Act receives the Royal Assent. The remaining provisions of this Act shall come into operation on a date to be fixed by proclamation ¹.

The transitional provisions set forth in the Second Schedule, as from time to time modified to prevent anomalies or otherwise affected by the operation of the relevant clause of that Schedule, shall have effect without prejudice, except in so far as those transitional provisions are not consistent with such an application, to the application of — a) in so far as that Act applies, the *Interpretation Act 1918* ² and in particular Sections 15 and 16 thereof; and b) in any other case, the *Interpretation Act 1984* and in particular Part V thereof.

Nothing in this Act shall affect the provisions of any Act in force on the commencing date that approves or ratifies any agreement to which the State is a party and under which a party to the agreement is authorised or required to carry out any mining operations pursuant to the agreement.

This Act shall be read and construed subject to the *Environmental Protection Act 1986*, to the intent that if a provision of this Act is inconsistent with a provision of that Act, the first-mentioned provision shall, to the extent of the inconsistency, be deemed to be inoperative.

B. DEFINITIONS/INTERPRETATION

In this Act, unless the contrary intention appears—

“*agricultural*” used in relation to the purposes for which land is occupied, such as cultivation or as pasture land;

“*burial ground*” means an area of land reserved or demarcated exclusively for the purpose of burials;

“*commencing date*” means the date of the coming into operation of the provisions of this Act;

“*Corporations Act*” means the *Corporations Act 2001* of the Commonwealth;

“*Crown land*” means all land in the State, except —

1. land that has been reserved for or dedicated to any public purpose other than —

a) land reserved for mining or commons; b) land reserved and designated for public utility for any purpose under the *Land Administration Act 1997*;

2. land that has been lawfully granted or contracted to be granted in fee simple by or on behalf of the Crown;

3. land that is subject to any lease granted by or on behalf of the Crown other than —

a) a pastoral lease within the meaning of the *Land Administration Act 1997*, or a lease otherwise granted for grazing purposes only; b) a lease for timber purposes; or c) a lease of Crown land for the use and benefit of the Aboriginal inhabitants;

4. land that is a townsite within the meaning of the *Land Administration Act 1997*;

“*dam*” means any accumulation or storage of water, whether natural or artificial;

“*damage*”, in relation to agricultural land, includes the disturbance of stock and any proper cost reasonably incurred for the purpose of rectifying that disturbance;

“*Director General of Mines*” means the person for the time being holding or Acting in the office of Chief Executive Officer of the Department;

“*expenditure conditions*” in relation to a mining tenement means the prescribed conditions applicable to a mining tenement that require the expenditure of money on or in connection with the mining tenement or the mining operations carried out thereon or proposed to be so carried out;

“*fossick*” means to search for, extract and remove rock, ore or minerals, other than gold or diamonds, in quantities not exceeding the prescribed amount and by means not prohibited under the regulations, as samples or specimens for the purpose of a mineral collection, lapidary work or a hobby interest;

“*land*” includes water; and also includes the foreshore and the sea bed within the meaning of Section 25;

“*land under cultivation*” means land being used for agricultural purposes and includes any land, whether cleared or uncleared, used by a person for the grazing of stock in the ordinary course of management of the land of that person where the land so used for grazing forms the whole or a part of the land owned or occupied by that person;

“*lapidary work*” includes the selection, cutting, polishing, engraving and setting of rock or other minerals;

“*listed public company*” means a corporation that is a listed corporation within the meaning of that expression in the Corporations Act;

“*local government*” means the local government of the district in which the matter in relation to which the term is used, arose or is situated;

“*machinery*” includes all mechanical appliances of whatever kind used or intended to be used for any mining purpose;

“*marine management area*”, “*marine nature reserve*” and “*marine park*” have the meanings given to them by the *Conservation and Land Management Act 1984*;

“*mine*”, as a noun, means any place in, on or under which mining operations are carried on;

“*mine*”, as a verb, includes any manner or method of mining operations;

"mineral" means a naturally occurring substance obtained or obtainable from any land by mining operations carried out on or under the surface of the land, but does not include – 1. soil; 2. a substance the recovery of which is governed by the *Petroleum Act 1967* or the *Petroleum (Submerged Lands) Act 1982*; 3. a meteorite as defined in the *Museum Act 1969*; or 4. any of the following substances if it occurs on private land - a) limestone, rock or gravel; b) shale, other than oil shale; c) sand, other than mineral sand, silica sand or garnet sand; or d) clay, other than kaolin, bentonite, attapulgite or montmorillonite;

"mineral field" means a mineral field constituted under this Act or deemed so to be;

"mining" includes fossicking, prospecting and exploring for minerals, and mining operations;

"mining operation" means any mode or method of working whereby the earth or any rock structure stone fluid or mineral bearing substance may be disturbed, removed, washed, sifted, crushed, leached, roasted, distilled, evaporated, smelted or refined or dealt with for the purpose of obtaining any mineral therefrom whether it has been previously disturbed or not and includes – 1. the removal of overburden by mechanical or other means and the stacking, deposit, storage and treatment of any substance considered to contain any mineral; 2. operations by means of which salt or other evaporates may be harvested; 3. operations by means of which mineral is recovered from the sea or a natural water supply; and 4. the doing of all lawful Acts or incidents conducive to any such operations or purposes;

"mining product" means any material won from land by mining;

"Mining Registrar" means a Mining Registrar appointed in accordance with this Act or deemed so to be and includes a reference to the person holding, Acting in, or performing the functions of a prescribed office or position in the Department;

"mining tenement" means a prospecting licence, exploration licence, retention licence, mining lease, general purpose lease or a miscellaneous licence granted or acquired under this Act or by virtue of the repealed Act; and includes the specified piece of land in respect of which the mining tenement is so granted or acquired;

"occupier" in relation to any land includes any person in Actual occupation of the land under any lawful title granted by or derived from the owner of the land;

"oil shale" includes naturally occurring hydrocarbons that are or may be contained in rocks from which they cannot be recovered otherwise than by mining those rocks as oil shale;

"owner" in relation to any land means – 1. the registered proprietor thereof or in relation to land not being land under the *Transfer of Land Act 1893* the owner in fee simple or the person entitled to the equity of redemption thereof; 2. the lessee or licensee from the Crown in respect thereof; 3. the person who for the time being, has the lawful control and management thereof whether on trust or otherwise; or 4. the person who is entitled to receive the rent thereof;

"private land" means any land that has been or may hereafter be alienated from the Crown for any estate of freehold, or is or may hereafter be the subject of any conditional purchase agreement, or of any lease or concession with or without a right of acquiring the fee simple thereof (not being a pastoral lease within the meaning of the *Land Administration Act 1997* or a lease or concession otherwise granted by or on behalf of the Crown for grazing purposes only or for timber purposes or a lease of Crown land for the use and benefit of the Aboriginal inhabitants) but - 1. in relation to mining for minerals other than gold, silver and precious metals, for the purposes of the Act, does not include land alienated before 1 January 1899, except as provided in that Division; 2. other than in so far as the primary tenement may be treated as private land in relation to mining for gold pursuant to a special prospecting licence or mining lease under the Act, does not include land that is the subject of a mining tenement; and 3. no land that has been

reserved for or dedicated to any public purpose shall be taken to be private land by reason only that any lease or concession is granted in relation thereto for any purpose;

“public purpose” means any of the purposes for which land may be reserved under Part 4 of the *Land Administration Act 1997*, and any purpose declared by the Governor pursuant to that Act, by notification in the *Government Gazette* to be a public purpose within the meaning of that Act;

“related” has a meaning affected by the Act;

“the Department” means the department of the Public Service of the State principally assisting the Minister in the administration of this Act;

“the office of the Mining Registrar” means - 1. in relation to the lodging of an application for a mining tenement, the office of the Mining Registrar of the mineral field or district in which the largest portion of the land to which the application relates is situated; 2. in relation to the lodging of an agreement, claim, notice of objection, security or any other thing in respect of a mining tenement, the office of the Mining Registrar of the mineral field or district to which the application for that mining tenement has been assigned;

“the repealed Act” means the *Mining Act 1904*;

“the Warden” or **“the Mining Registrar”** means the Warden or the Mining Registrar of the mineral field or district thereof in which the subject matter in relation to which the term is used arose or is;

“vehicle” includes an aircraft, helicopter or air cushion vehicle;

“Warden” means a Warden of mines appointed in accordance with this Act or deemed so to be and includes a person appointed to be an Acting Warden;

“Warden’s Court” means - 1. The Warden’s court constituted under this Act or deemed so to be for the mineral field or district thereof in which the subject matter in relation to which the term is used arose or is. 2. Notwithstanding anything in Subsection (1), the Minister may, in the event of a dispute whether a particular substance is or is not oil shale, decide whether that substance is or is not oil shale for the purposes of this Act and the *Petroleum Act 1967* and his decision in the matter shall be final. 3. A reference in this Act to the owner and occupier of private land includes a reference to a person who is both the owner and occupier of private land and parts of speech in the plural number shall be construed accordingly. 4. For the purposes of this Act a person is related to - a) an individual, if the person is - (i) a spouse or de facto partner; (ii) a parent, grandparent or great-grandparent; (iii) a child, grandchild or great-grandchild; or (iv) a sibling, of the individual, whether the relationship is a step relationship or a relationship established by, or traced through marriage or a de facto relationship, a written law or a natural relationship; b) a body corporate, if the person is a related entity (as defined in Section 9 of the *Corporations Act*) in relation to the body corporate.

“identified mineral resource” means a deposit of minerals identified in the prescribed manner;

“primary tenement” means a prospecting licence, an exploration licence or a mining lease.

Rights in respect of oil shale or coal — 1. Notwithstanding anything in the Act, a mining tenement (other than a coal mining lease) granted and in force under, or continued in force by, this Act in respect of land which is the subject of an exploration permit specified in the Schedule to the *Petroleum Act 1967* does not confer on the holder of that mining tenement any rights in respect of oil shale or coal. 2. If land referred to in Subsection (1) ceases to be the subject of an exploration permit referred to in that Subsection, the holder of the mining tenement referred to in that Subsection may apply to the Minister for rights in

respect of oil shale or coal or both in respect of that land. 3. On receiving an application made under Subsection (2), the Minister may in writing confer on the applicant such rights in respect of oil shale or coal both in respect of the land concerned as he thinks fit, in which case the mining tenement concerned shall be amended accordingly.

Gold and silver and other precious metals is the property of the Crown

1. Subject to this Act — a) all gold, silver, and any other precious metal existing in its natural condition on or below the surface of any land in the State whether alienated or not alienated from the Crown and if alienated whenever alienated, is the property of the Crown; b) all other minerals existing in their natural condition on or below the surface of any land in the State that was not alienated in fee simple from the Crown before 1 January 1899 are the property of the Crown.

2. Notwithstanding anything in this Act or any previous enactment the owner, grantee, lessee or licensee of, or other person entitled to, any land to which this Section or any corresponding provisions apply, that is not the subject of a mining tenement, is entitled to use any mineral existing in a natural state on or below the surface of the land for any agricultural, pastoral, household, road making, or building purpose, on that land.

C. OWNERSHIP RIGHTS AND ADMINISTRATION/CONTROL

1. Administration of Act

1. This Act shall be administered by the Minister.

2. The Minister — a) shall be a corporation sole, with perpetual succession and shall have an official seal; and b) may, in his corporate name, acquire, hold, lease and otherwise dispose of real and personal property, and may sue and be sued in that name.

3. All courts, judges and persons Acting judicially shall take notice of the official seal of the Minister affixed to a document and shall presume that it was duly affixed.

2. Chief Executive Officer and other officers

There shall be a department of the Public Service of the State to assist the Minister in the administration of this Act, to which department there shall be appointed, under the Act of the *Public Sector Management Act 1994*, a Chief Executive Officer and such number of persons to be Mining Registrars, geologists, surveyors, inspectors and such other officers as may be necessary for the due administration of this Act.

3. Delegation

1. The Minister may — a) by instrument in writing delegate any of his powers and functions (except this power of delegation) to - (i) any officer of the Department; or (ii) the person for the time being occupying a position in the Department, being an officer named or a position specified in the instrument of delegation; and b) vary or revoke a delegation given by him.

2. Any delegation of a power or function under this Section by the Minister ceases to have effect upon the appointment (other than in the capacity of an Acting Minister) of another person to be the Minister for the purpose of this Act.

3. A power or function delegated by the Minister under this Section — a) shall, if exercised or performed, be exercised or performed in accordance with the instrument of delegation; and b) may, if the exercise of the powers or the performance of the functions is dependent upon the opinion, belief or state of mind of

the Minister in relation to a matter be exercised upon the opinion, belief or state of mind of the delegate in relation to that matter.

4. Wardens of mines

1. Any person holding office as a Stipendiary Magistrate under the *Stipendiary Magistrates Act 1957*, may be appointed by the Governor to be a Warden of mines and is thereby authorised and empowered to preside in a Warden's court.

2. Without prejudice to Subsection (1) the Governor may appoint other fit and proper persons to be Wardens of mines, and the persons so appointed shall be paid such remuneration as the Governor determines, but a person so appointed is not thereby authorised or empowered to preside in a Warden's court.

5. Power to appoint Acting Warden

1. When and as often as a Warden, is absent on leave, or in consequence of sickness or for any other reason is temporarily unable to perform the duties of his office, the Governor may appoint a fit and proper person to Act in the office of such Warden for the period during which such Warden is temporarily absent or unable to perform the duties of his office.

6. Power to proclaim mineral fields

1. The Governor may, by proclamation — a) constitute any part of the State to be a mineral field; b) divide any mineral field into districts; c) alter or amend the boundaries of a mineral field or district; or d) abolish a mineral field or district.

2. Any part of the State that was immediately before the commencing date a mineral field or district thereof or a goldfield or district thereof under the repealed Act, shall be deemed to be a mineral field or district thereof constituted under this Act and may be dealt with as provided in the Act.

3. No Crown land that is in a mineral field shall be leased, transferred in fee simple, or otherwise disposed of under the provisions of the *Land Administration Act 1997*, without the approval of the Minister.

D. MINERAL CONCESSION FOR

Land Open for Mining

1. Crown land

a) Crown land open for mining:

All Crown land, not being Crown land that is the subject of a mining tenement, is open for mining and as such is land 1. where any person may set up pegs or otherwise mark out the land in connection with an application for a mining tenement; 2. where the holder of a Miner's Right may do the things authorised by the Act and 3. which may be made the subject of an application for a mining tenement, subject to and in accordance with this Act.

b) Power to set aside land for mining or exempt it there from

The Minister may from time to time by instrument in writing under his hand — 1. exempt any land, not being private land or land that is the subject of a mining tenement or of an application therefor, from - a) mining; b) a specified mining purpose; c) this Act; or d) a specified provision of this Act; or 2. vary or

cancel an exemption referred to in paragraph a), and shall cause any such instrument to be published in the *Government Gazette* as soon as is practicable after its execution by him.

c) General rights to prospect and protection of certain Crown land

1. The Minister, the Director General of Mines, a Warden or a Mining Registrar may issue or cause to be issued to a person upon being satisfied as to the identity of the applicant and payment of the prescribed fee a Miner's Right which is not transferable and not limited in term and such a Miner's Right shall be in the prescribed form.

2. Subject to this Act, the holder of a Miner's Right is authorised to do all or any of the following things — a) to pass and re-pass over Crown land with such employees and agents, vehicles machinery and equipment as may be necessary or expedient for the purpose of prospecting for minerals and marking out of any land which may be made the subject of an application for a mining tenement; b) to prospect on (i) Crown land that is not the subject of a mining tenement; or (ii) Crown land that is the subject of an exploration licence if the holder of the Miner's Right holds a permit to do so under the Act, for minerals and conduct tests for any mineral thereon for the purpose of ascertaining whether any part of the land, and if appropriate determining which area, is to be marked out or applied for, or both, for the purpose of making an application for a mining tenement in respect thereof; (c) to extract or remove samples or specimens of rock, ore or minerals with as little damage to the surface of such land as possible, in quantities, in total or on occasions, not exceeding the prescribed limits, and to keep as his property or to utilise for testing or evaluation purposes any samples and specimens of any mineral found by him on such land; d) to take, subject to the *Rights in Water and Irrigation Act 1914*, or any Act amending or replacing the relevant provisions of that Act, water from any natural spring, lake, pool or water-course situated in or flowing through such land and subject to that Act to sink a well or bore on such land and take water there from and to use the water so taken for the purposes of prospecting and for domestic purposes only; and e) subject to any Act relating to Crown lands and the regulations thereunder for the time being in force for the preservation of timber (i) to cut and remove timber from such land for the purpose of prospecting; and (ii) to erect, use and remove any building or structure on any such land lawfully occupied by him for the purpose of prospecting, in such manner and subject to such conditions as may be prescribed; and f) subject to the prior written consent of (i) any occupier of that Crown land; and (ii) the holder of the mining tenement concerned, to fossick by prescribed means on Crown land, whether or not land which is held as a mining tenement.

3. Any person Acting in the exercise or purported exercise of an authorisation conferred or alleged to be conferred by the Act shall — (a) cause all holes, pits, trenches and other disturbances on the surface of the land which were made while he was so Acting and which are likely to endanger the safety of any person or animal, to be filled in or otherwise made safe, together with such other holes, pits, trenches and other disturbances made, wholly or in part, by him as the Minister may from time to time direct; (b) take all necessary steps to prevent fire, damage to trees or other property and to prevent damage to any property or damage to livestock by the presence of dogs, the discharge of firearms, the use of vehicles or otherwise; and (c) be liable to pay compensation in accordance with the Act, as may be agreed or as may be determined by the Warden's court on the application of the owner or occupier of the land or of the holder of any mining tenement affected, for any loss or damage caused by, and not made good by, that person in relation to any land or mining tenement while he was so Acting, and a determination made by the Warden's court under this Subsection is for the purposes of Section 147(1), a final determination of the Warden's court.

4. Notwithstanding that any Crown land to which this Subsection refers may be marked out as or be included in a mining tenement, a mining tenement or Miner's Right does not entitle the holder thereof to prospect or fossick on, explore, or mine on or under, or otherwise interfere with, any Crown land that is — a) for the time being under crop, or which is situated within 100 metres thereof; b) used as or situated

within 100 metres of a yard, stockyard, garden, cultivated field, orchard, vineyard, plantation, airstrip or airfield; c) situated within 100 metres of any land that and is in Actual occupation and on which a house or other substantial building is erected; d) the site of or situated within 100 metres of any cemetery or burial ground; e) land the subject of a pastoral lease within the meaning of the *Land Administration Act 1997* which is the site of, or is situated within 400 metres of the outer edge of, any water works, race, dam, well or bore, not being an excavation previously made and used for mining purposes by a person other than a lessee of that pastoral lease, without the written consent of the occupier.

d) Permit to prospect on Crown land the subject of an exploration licence

1. The Mining Registrar or the holder of a prescribed office in the Department may issue a permit to prospect for minerals on Crown land that is the subject of an exploration licence to a) a natural person who is the holder of a Miner's Right; or b) 2 or 3 natural persons, each of whom is the holder of a Miner's Right, as joint holders of the permit.

2. A permit cannot be issued under Subsection (1) if the applicant for the permit is already the holder of a permit under this Section in respect of the exploration licence to which his or her application relates.

3. An application for a permit a) shall be made in the prescribed form; b) shall be lodged at the office of the Mining Registrar or the principal office of the Department at Perth; and c) shall be accompanied by the prescribed application fee (if any).

4. The area of land in respect of which a permit is issued is to be specified in the permit in the prescribed manner.

5. A permit is subject to such conditions as are imposed in accordance with the regulations and specified in the permit.

6. In addition to any conditions that may be imposed under Subsection (5) every permit is to be regarded as having been issued subject to conditions that the holder or each holder (in the case of joint holders) — a) shall not use explosives or tools, other than hand tools, on the land the subject of the permit; b) shall not prospect below the prescribed depth; c) shall comply with the prescribed limits referred to in Section 20(2)(c); d) shall not prospect within 100 metres of any Activities that are being carried out under the authority of an exploration licence; and e) shall not prospect on land that is the subject of a special prospecting licence under the Act.

7. A permit is not transferable.

e) Power to remove Crown land from the operation

1. The Minister may, by notice published in the Gazette, declare that a permit to prospect for minerals on crown land that is the subject of an exploration licence does not apply to Crown land that is — a) the subject of a specified exploration licence; b) in a specified block; or c) in a specified area of the State.

2. The Minister may, by notice published in the Gazette, vary or cancel a notice mentioned above.

f) Power to resume land

1. Any land, including land under the surface (not being land that is the subject of a mining tenement or land on which mining operations are lawfully being carried on under an agreement in writing with the owner of the land) that in the opinion of the Governor on the recommendation of the Minister ought to be taken for the purposes of this Act is hereby authorised to be taken on behalf of the Crown pursuant to the *Land Administration Act 1997* as though the taking were required for a public purpose, and for that

purpose the Minister or the Minister administering that Act may cause the land to be inspected, surveyed, explored, and reported upon by such officers and workmen as he directs, all of whom may thereupon enter upon the land and carry out all necessary operations in accordance with that Act.

g) Effect of resumption

Where any private land is taken under the *Land Administration Act 1997* that land shall for the purposes of this Act be taken to be Crown land under and subject to this Act, but every mining tenement granted in respect of, or occupied upon the land shall notwithstanding any of the provisions of this Act to the contrary, be subject to such rent, royalty or other payment to the Crown as may be determined by the Minister in each case, and the provisions as to royalty, other than as to the amount thereof as hereinafter provided by this Act shall be applicable.

2. Public Reserves

a) Mining on public reserves

Subject to this Act, a mining tenement may be applied for in respect of any land, or land of a class, classified as reserves under the Act (not being land that is already the subject of a mining tenement) but 1. no mining shall be carried out on or under any such land otherwise than in accordance with a relevant consent obtained in relation to that land under this Act; and 2. a mining tenement held in relation to such land by a person who - a) contravenes this Section; or b) is in breach of any term or condition to which a consent given under the Act is made subject, is liable to be forfeited, and such land is only open for mining as provided in those Sections and subject to such terms and conditions as are thereby imposed.

b) Mining in marine reserves

1. Without limiting Section relating to Mining on Public reserves nothing of the *Conservation and Land Management Act 1984* a) prevents a mining tenement from being (i) held and renewed; or (ii) applied for, granted, held and renewed, in a marine nature reserve, marine park or marine management area; or b) affects the validity or effect of a mining tenement in a marine nature reserve, marine park or marine management area.

c) Mining on foreshore, sea bed, navigable waters or townsite

1. The classes of land to which this Section applies are a) any part of the foreshore, being the area between the mean high water springs level of the sea and the mean low water springs level of the sea; b) any part of the sea bed between the mean low water springs level of the sea and the seaward limits of the territorial waters of the State; c) any land under navigable waters in the State; and d) any land that is a townsite within the meaning of the *Land Administration Act 1997*, but this Section does not apply to land that is part of a marine nature reserve, marine park or marine management area.

3. Private land

a) Private land open for mining

1. Subject to this Act, a mining tenement may be applied for in respect of any private land (which for the purposes of this Division does not include private land that is the subject of a mining tenement, other than in relation to mining for gold pursuant to a special prospecting licence or mining lease under relevant Sections of the Act in which case the land which is the subject of the application for that licence or lease is to be dealt with as private land) and such land is open for mining in accordance with this Act.

2. This Division does not apply to the land specified in the Third Schedule.

b) Granting of mining tenements in respect of private land

1. Subject to this Act, but notwithstanding any other Act or law, a mining tenement may be granted in respect of an area that consists of private land only or partly of private land and partly of any other land and the authority conferred thereby on the holder thereof may be exercised by that holder in respect of any such land.

2. Except with the consent in writing of the owner and the occupier of the private land concerned, a mining tenement shall not be granted in respect of private land a) which is in *bona fide* and regular use as a yard, stockyard, garden, orchard, vineyard, plant nursery or plantation or is land under cultivation; b) which is the site of a cemetery or burial ground; c) which is the site of a dam, bore, well or spring; d) on which there is erected a substantial improvement; (e) which is situated within 100 metres of any private land referred to in paragraphs (a), (b), (c) or (d); or f) which is a separate parcel of land and has an area of 2 000 square metres or less, unless the mining tenement is granted only in respect of that part of that private land which is not less than 30 metres below the lowest part of the natural surface of that private land.

c) Granting of permits in respect of private land

1. A person who desires to enter on any private land to search for any mineral or to mark out a mining tenement may apply in writing to a Warden for a permit to enter on the private land and 2. an application shall be made in the prescribed manner and be in the prescribed form.

d) Rights conferred by a permit

1. The holder of a permit issued under Section 30 or his duly authorised employee or agent is thereby authorised a) to enter upon and remain upon the surface of the private land to which the permit relates and to search thereon for any mineral and to mark out, and repair and maintain the marks set up and notices relating to the application for one or more mining tenements with respect to that land or any part thereof; b) to search thereon for any mineral and detach one or more samples of any vein or lode outcropping on the surface thereof not exceeding in the aggregate 13 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, but the holder or his duly authorised employee or agent shall not carry out any other mining on or otherwise disturb the surface of the land.

2. Where the Warden refuses to grant an application for a permit under Section 30 or grants the application on conditions the applicant considers unreasonable or fixes a sum of money under Section 30(4) which the applicant considers excessive, the applicant may within the time and in the manner prescribed appeal to the Minister against such refusal, conditions or amount as the case may be.

3. The Minister may dismiss the appeal or uphold the appeal and grant the permit which he is hereby authorised to do.

e) Application for mining tenement by permit holder

1. Subject to Subsection (1a), where an application is made in accordance with this Act for a mining tenement that relates to private land notice of the application shall be given in the prescribed manner by the applicant to a) the Chief Executive Officer of the local government; b) the owner and occupier of the private land; and c) each mortgagee of the land under a mortgage endorsed or noted on the title or land register or record relating to that land, but if there is no occupier of the land, or no such occupier can be found, the notice of the application shall be affixed in some conspicuous manner on the land.

f) Right of owner to apply for mining tenement

1. The owner of the private land to which under the Act refers may, apply for a mining tenement in respect of the private land or any part thereof.
2. Where within the period referred to in Subsection (1) the owner of the private land fails to apply for a mining tenement with respect to the land as provided in that Subsection, or if he so applies but a tenement is not granted, a) the land shall come within the operation of this Division and all rent and royalties received by the Crown for any minerals won from the land shall be paid to the owner of the land less one-tenth of the amount thereof; and b) the Minister may grant to the person who made the application under the Act for such period as he thinks fit, the prior right to the exclusion of all other persons to mark out the private land or any part thereof and/or apply for a mining tenement in respect thereof.

Mining Tenements

1. Prospecting Licence

a) Grant of prospecting licence

- 1 Subject to this Act, the Mining Registrar or the Warden, may, on the application of any person grant to that person a licence to be known as a prospecting licence which shall be subject to such conditions as are prescribed or are imposed pursuant to the Act or are specified in the licence.
2. The area of land in respect of which any one prospecting licence may be granted shall not exceed 200 hectares.
3. A person may be granted more than one prospecting licence.

b) Application for prospecting licence

1. An application for a prospecting licence a) shall be made in the prescribed form; b) shall be accompanied by the amount of the prescribed rent for the first year or portion thereof as prescribed; c) shall be made by reference to a written description of the area of land in respect of which the licence is sought, and be accompanied by a map on which are clearly delineated the boundaries of that area; e) shall be lodged at the office of the Mining Registrar; f) shall be accompanied by the prescribed application fee.
2. Within the prescribed period the applicant shall serve such notice of the application as may be prescribed, on the owner and occupier of the land to which the application relates and on such other persons as may be prescribed.
3. An applicant for a prospecting licence shall at the request of the Mining Registrar or Warden furnish such further information in relation to his application, or such evidence in support thereof, as the Mining Registrar or Warden may require but the Mining Registrar or Warden shall not require information or evidence relating to assays or other results of any testing or sampling that the applicant may have carried out on the land the subject of his application.

c) Determination of application for prospecting licence

A person who wishes to object to the granting of an application for a prospecting licence shall lodge at the office of the Mining Registrar a notice of objection within the prescribed time and in the prescribed manner.

d) Prospecting licence not to include land already the subject of a mining tenement

Where an application for a prospecting licence relates to land that is, or was when the application was made, the subject of a mining tenement, any prospecting licence granted in respect of that application shall not include that land.

e) Power to grant prospecting licence over all or part of land in application

Subject to the Act, a prospecting licence may be granted in respect of all or part of the land to which the application therefor relates.

f) Term of prospecting licence

1. A prospecting licence shall, subject to this Act, remain in force for a period of 4 years from and including the date on which it was granted, and shall then expire.

2. A survey ordered under Subsection (1) shall be arranged and paid for by such party or parties to the dispute as the Warden or the Minister determines.

g) Rights conferred by prospecting licence

A prospecting licence, while it remains in force, authorises the holder thereof, subject to this Act, and in accordance with any conditions to which the licence may be subject 1. to enter and re-enter the land the subject of the licence with such agents, employees, vehicles, machinery and equipment as may be necessary or expedient for the purpose of prospecting for minerals in, on or under the land; 2. to prospect, subject to any conditions imposed under the Act for minerals, and to carry on such operations and carry out such works as are necessary for that purpose on such land including digging pits, trenches and holes, and sinking bores and tunnels to the extent necessary for the purpose in, on or under the land; 3. to excavate, extract or remove, subject to any conditions imposed under the Act, from such land, earth, soil, rock, stone, fluid or mineral bearing substances in such amount, in total during the period for which the licence remains in force, as does not exceed the prescribed limit, or in such greater amount as the Minister may, in any case, approve in writing; 4. to take and divert, subject to the *Rights in Water and Irrigation Act 1914*, or any Act amending or replacing the relevant provisions of that Act, water from any natural spring, lake, pool or stream situate in or flowing through such land or from any excavation previously made and used for mining purposes and subject to that Act to sink a well or bore on such land and take water there from and to use the water so taken for his domestic purposes and for any purpose in connection with prospecting for minerals on the land.

h) Holder of prospecting licence to have priority for grant of mining leases or general purpose leases

1. The holder of a prospecting licence has a) subject to this Act and to any conditions to which the prospecting licence is subject; and b) while the prospecting licence continues in force, the right to apply for, and subject to the Act to have granted pursuant to the Act, one or more mining leases or one or more general purpose leases or both in respect of any part or parts of the land the subject of the prospecting licence.

2. Where an application for a mining lease or a general purpose lease is made by the holder of a prospecting licence in respect of any land and the term of the prospecting licence would but for this Subsection expire, that licence shall continue in force in respect to the land the subject of that application until the application for a lease is determined.

3. If, after an application is made in respect of land the subject of a prospecting licence a) the holder of the licence transfers the licence; or b) where there are 2 or more holders of the licence, a holder transfers the holder's interest in the licence, the application continues in the name of the transferee of the licence or interest as if the transferee were the applicant or one of the applicants, as the case requires.

4. where there are 2 or more transferees of the prospecting licence, each of the transferee is to be regarded as an applicant for an interest in the relevant mining lease or general purpose lease that corresponds to the interest held by that transferee in the licence.

i) Special prospecting licences

Where any land is the subject of a prospecting licence (in this Section called "**the primary tenement**") then, without revoking or injuriously affecting any existing mining tenement acquired and held under this or repealed Act, whether or not any reservation or exception of that existing mining tenement is contained in the crown grant, transfer of crown land in fee simple or conveyance or the grant of the mining tenement, a person may at any time after the expiry of 12 months from 1. in the case of land which was the subject of a mineral claim or dredging claim granted under the repealed Act that by the operation of the transitional provisions set forth in the Second Schedule became subject to the primary tenement, the date of approval of the claim; and 2. in any other case, the date on which the primary tenement was granted, marked out and, for a prospecting licence for gold (in this Section called a "**special prospecting licence**") in respect of any part of the land the subject of the primary tenement may apply for a special prospecting licences. Such licence shall be granted to or held by a natural person only.

Area : Subject to this Section, the Mining Registrar, the Warden or the Minister may grant an application for a special prospecting licence on such terms and conditions as he thinks fit. A special prospecting licence so granted

1. shall not exceed 10 hectares in area;
2. shall authorise the holder thereof to prospect only for gold;
3. shall not, unless the Minister otherwise directs, prevent the holder of the primary tenement from prospecting for minerals other than gold in or on the land the subject of the special prospecting licence;

Period : 1. A special prospecting licence may be granted for a period of 3 months or for any period which is a multiple of 3 months but which does not exceed 4 years.

2. No more than one special prospecting licence, or mining lease in respect of the land or any part thereof which is the subject of a special prospecting licence, shall be granted in respect of the primary tenement.

3. The holder of a special prospecting licence granted for a period of 4 years may make an application for a mining lease for gold in respect of the land or any part thereof which is the subject of the special prospecting licence, and on an application made to the Minister may, if a) after being served with the prescribed notice of that application, and if the holder of the primary tenement does not lodge an objection against that application; or b) it is proved to the satisfaction of the Minister by a report from the Director, Geological Survey, that gold exists in payable quantities on or in the land to which that application relates, grant the application for a lease in respect to that portion of the land to which the special prospecting licence relates that is less than a depth of 50 metres, or such greater depth as the Minister approves with the prior written consent of the holder of the primary tenement, below the lowest part of the natural surface of the land and on such terms and conditions as the Minister thinks fit, and thereupon the area of land in respect of which that mining lease is granted shall be excised from the primary tenement (whether or not the primary tenement has in the meantime been converted into a retention licence or a mining lease).

2. Exploration licence

a) Grant of exploration licence

1. Subject to this Act the Minister may on the application of any person and after receiving a recommendation of the Mining Registrar or the Warden in accordance with the Act, grant to that person a licence to be known as an exploration licence on such terms and conditions as the Minister may determine.

2. The area of land in respect of which an exploration licence may be granted shall be a block or blocks but shall not be more than 70 blocks.

3. Where an exploration licence is granted in respect of 2 or more blocks the graticular Sections that constitute those blocks shall a) constitute a single area; and b) each have a side in common with at least one other graticular Section in that area. c) A person may be granted more than one exploration licence. d) Where the land in respect of which an exploration licence is granted comprises or includes part of a block, no other exploration licence shall be granted in respect of that block or any part of that block.

b) Application for exploration licence

1. An application for an exploration licence a) shall be in the prescribed form; b) shall be accompanied by a statement specifying - (i) the proposed method of exploration of the area in respect of which the licence is sought; (ii) the details of the programme of work proposed to be carried out in such area; (iii) the estimated amount of money proposed to be expended on the exploration; and (iv) the technical and, subject to Subsection (1aa), financial resources available to the applicant; c) shall be accompanied by the amount of the prescribed rent for the first year of the term of the licence or portion thereof as prescribed; d) shall be lodged at the office of the Mining Registrar; and e) shall be accompanied by the prescribed application fee.

The statement under Subsection (1)(b) does not have to specify the financial resources available to the applicant if a) the applicant is a natural person; (b) the application is in respect of not more than 4 blocks; and (c) the statement specifies that the applicant intends to utilise his or her own labour to carry out the programme of work referred to in Subsection (1)(b)(ii).

2. On an application for an exploration licence or on an exploration licence being granted the land affected is not thereby required to be surveyed, but where a dispute arises with respect to the position of such land or the boundaries or any boundary thereof the Warden or Minister may order a survey to be made of the boundaries or the boundary in order to settle the dispute. (c) A survey ordered under paragraph (b) shall be arranged and paid for by such party or parties to the dispute as the Warden or Minister determines.

3. An applicant shall at the request of the Mining Registrar or Warden furnish such further information in relation to his application, or such evidence in support thereof, as the Mining Registrar or Warden may require but the Mining Registrar or Warden shall not require information or evidence relating to assays or other results of any testing or sampling that the applicant may have carried out on the land the subject of his application.

4. Within the prescribed period the applicant shall serve such notice of the application as may be prescribed on the owner and occupier of the land to which the application relates and on such other persons as may be prescribed.

c) Determination of application for exploration licence

1. A person who wishes to object to the granting of an application for an exploration licence shall lodge at the office of the Mining Registrar a notice of objection within the prescribed time and in the prescribed manner.

2. Where no notice of objection is lodged within the prescribed time, the Mining Registrar shall, unless it is lodged before the Mining Registrar has forwarded a report to the Minister and the Warden is satisfied that there are reasonable grounds for late lodgment, forward to the Minister a report which recommends the grant or refusal of the exploration licence and sets out the reasons for that recommendation.

d) Security relating to exploration licence

The applicant for an exploration licence shall lodge at the office of the Mining Registrar within the prescribed period, a security for compliance with the conditions to which the exploration licence, if granted, will from time to time be subject and with the provisions of this Part and the regulations.

e) Term of exploration licence

1. An exploration licence shall, subject to this Act, remain in force for a period of 5 years from and including the date on which it was granted, and shall then expire.

2. Notwithstanding Subsection (1) the Minister may extend the term of an exploration licence -a) in prescribed circumstances by (i) a period of one or two years; and (ii) one further period of one or two years; and b) in exceptional circumstances by a further period or periods of one year, as to the whole or any part of the land the subject of that exploration licence on such terms and conditions as the Minister thinks fit.

f) Condition attached to exploration licence

Every exploration licence shall be deemed to be granted subject to the conditions that the holder thereof will explore for minerals and 1. will promptly report in writing to the Minister all minerals of economic interest discovered in, on or under the land the subject of the exploration licence; 2. will fill in or otherwise make safe to the satisfaction of the State Mining Engineer ⁵ all holes, pits, trenches and other disturbances to the surface of the land the subject of the exploration licence which are — a) made while exploring for minerals; and b) in the opinion of the State Mining Engineer, likely to endanger the safety of any person or animal; and 3. will take all necessary steps to prevent fire, damage to trees or other property and to prevent damage to any property or damage to livestock by the presence of dogs, the discharge of firearms, the use of vehicles or otherwise.

g) Conditions for prevention or reduction of injury to land

1. On the granting of an exploration licence, or at any subsequent time, the Minister may impose on the holder of the licence reasonable conditions for the purpose of preventing or reducing, or making good, injury to the natural surface of the land in respect of which the licence is sought or was granted, or injury to anything on the natural surface of that land or consequential damage to any other land.

h) Forfeiture of Exploration Licence

An exploration licence is liable to forfeiture if a) the prescribed rent or royalty in respect thereof is not paid in accordance with this Act; b) any requirement under the Act in relation to the exploration licence is not complied with the terms and conditions, including the prescribed expenditure conditions to the Act.

i) Surrender of certain areas subject to the exploration licence

Subject to this Section, the holder of an exploration licence shall at the expiration of 1. the third year of the term for which the licence was granted, surrender not less than half the number of the blocks that are subject to the licence; 2. the fourth year of the term for which the licence was granted, surrender not less than half the number of the blocks that are then subject to the licence.

j) Rights conferred by exploration licence

An exploration licence, while it remains in force, authorises the holder thereof, subject to this Act, and in accordance with any conditions to which the licence may be subject 1. to enter and re-enter the land the subject of the licence with such agents, employees, vehicles, machinery and equipment as may be necessary or expedient for the purpose of exploring for minerals in, on or under the land; 2. to explore, subject to any conditions imposed under the Act, for minerals, and to carry on such operations and carry out such works as are necessary for that purpose on such land including digging pits, trenches and holes, and sinking bores and tunnels to the extent necessary for the purpose in, on or under the land; 3. to excavate, extract or remove, subject to any conditions imposed in the Act from such land, earth, soil, rock, stone, fluid or mineral bearing substances in such amount, in total during the period for which the licence remains in force, as does not exceed the prescribed limit, or in such greater amount as the Minister may, in any case, approve in writing; 4. to take and divert, subject to the *Rights in Water and Irrigation Act 1914*, or any Act amending or replacing the relevant provisions of that Act, water from any natural spring, lake, pool or stream situated in or flowing through such land or from any excavation previously made and used for mining purposes and subject to that Act to sink a well or bore on such land and take water therefrom and to use the water so taken for his domestic purposes and for any purpose in connection with exploring for minerals on the land.

k) Holder of exploration licence to have priority for grant of mining leases or general purpose leases

1. The holder of an exploration licence has a) subject to this Act and to any conditions to which the exploration licence is subject; and b) while the exploration licence continues in force, the right to apply for, and subject to the relevant provisions of the Act to have granted pursuant to the Act, one or more mining leases or one or more general purpose leases or both in respect of any part or parts of the land the subject of the exploration licence.

2. Where an application for a mining lease or a general purpose lease is made by the holder of an exploration licence in respect of any land and the term of the exploration licence would but for this Subsection expire, that licence shall continue in force in respect to the land the subject of that application until the application for a lease is determined.

3. If, after an application is made under Subsection (1) in respect of land the subject of an exploration licence a) the holder of the licence transfers the licence; or b) where there are two or more holders of the licence, a holder transfers the holder's interest in the licence, the application continues in the name of the transferee of the licence or interest as if the transferee were the applicant or one of the applicants, as the case requires.

4. where there are two or more transferees of the exploration licence, each of the transferee is to be regarded as an applicant for an interest in the relevant mining lease or general purpose lease that corresponds to the interest held by that transferee in the licence.

l) Holder of exploration licence may apply to amalgamate secondary tenement

1. Where a person is the holder of both an exploration licence and a secondary tenement the person or an agent of the person may, without marking out the land, apply in writing to the Minister in the prescribed manner for the secondary tenement to be amalgamated with the exploration licence.

2. In this Section —

“**secondary tenement**”, in relation to an exploration licence a) means a mining tenement (other than a retention licence) situated wholly within the boundaries (whether or not any of those boundaries are common boundaries) of the land the subject of the exploration licence; and b) where the exploration licence was granted in respect of an application made on or after the commencement of the *Mining Amendment Act 1990*¹, includes any part of a mining tenement (other than a retention licence) situated within the boundaries (whether or not any of those boundaries are common boundaries) of the land the subject of the exploration licence.

m) Special prospecting licenses on an primary tenement

Where any land is the subject of an exploration licence (in this Section called “**the primary tenement**”) then, notwithstanding relevant Section of the Act, a person may at any time after the expiry of 12 months from 1. in the case of land which was the subject of a mineral claim or dredging claim granted under the repealed Act that by the operation of the transitional provisions set forth in the Second Schedule became subject to the primary tenement, the date of approval of the claim; and 2. in any other case, the date on which the primary tenement was granted, marked out and, in accordance with the Act, apply for a prospecting licence for gold (in this Section called a “**special prospecting licence**”) in respect of any part of the land the subject of the primary tenement.

Area : The Minister or Warden may grant the application on such terms and conditions as he thinks fit but a special prospecting licence granted pursuant to this Section — 1. shall not exceed 10 hectares in area; 2. shall authorise the holder to prospect only for gold; 3. shall not unless the Minister otherwise directs, prevent the holder of the primary tenement from exploring for minerals other than gold in or on the land the subject of the special prospecting licence and the primary tenement;

Period : A special prospecting licence may be granted for a period of 3 months or for any period which is a multiple of 3 months but which does not exceed 4 years.

A special prospecting licence Where, before the determination of an application for a special prospecting licence in respect of land, the primary tenement is surrendered or forfeited or expires, the application is, by virtue of this Subsection, converted into an application for a prospecting licence in respect of that land and the provisions of this Act relating to such applications apply accordingly.

3. Retention licence

a) Grant of retention licence

1. Subject to this Act, the Minister may, on the application of the holder of a primary tenement, after receiving a recommendation of the Mining Registrar or the Warden in accordance with the relevant provisions of the Act, grant to that person a licence to be known as a retention licence in respect of the whole or any part of the land the subject of the primary tenement on such terms and conditions as the Minister considers reasonable.

2. The holder of a primary tenement may be granted more than one retention licence.

3. Where the applicant for a retention licence is the holder of 2 or more primary tenements, a retention licence may be granted in respect of the whole or any part of the land within the boundaries of those tenements.

4. The land in respect of which a retention licence is granted a) shall be of an area that, in the opinion of the Minister, is sufficient to include (i) the land in, on or under which an identified mineral resource is located; and (ii) such other land as may be required for future mining operations in respect of that identified mineral resource; and b) may be of an area that is less than the area of land in respect of which the retention licence is sought.

b) Application for retention licence

1. An application for a retention licence — a) shall be in the prescribed form; b) shall be accompanied by the amount of the prescribed rent for the first year of the term of the licence or portion thereof as prescribed; c) shall be accompanied by the prescribed application fee; d) shall be lodged at the office of the Mining Registrar; e) shall be accompanied by a statement specifying (I) the details of the programme of work (if any) proposed to be carried out in the area in respect of which the licence is sought; and (ii) the estimated amount of money (if any) proposed to be expended on such work; and f) shall be accompanied by a statutory declaration made by the applicant to the effect that (I) there is an identified mineral resource in the area in respect of which the licence is sought; and (ii) mining of that identified mineral resource is for the time being impracticable for — • the identified mineral resource is uneconomic or subject to marketing problems although that resource may reasonably be expected to become economic or marketable in the future; • the identified mineral resource is required to sustain the future operations of an existing or proposed mining operation; or • there are existing political, environmental or other difficulties in obtaining requisite approvals.

2. Where an application is made by the holder of a primary tenement and the term of the primary tenement would but for this Subsection expire, the primary tenement shall continue in force in respect of the land the subject of the application until a) the retention licence is granted; or b) if the retention licence is refused, the expiry of a period of 30 days after that refusal.

c) Determination of application for retention licence

A person who wishes to object to the granting of an application for a retention licence shall lodge at the office of the Mining Registrar a notice of objection within the prescribed time and in the prescribed manner.

d) Term of retention licence and renewal

1. Subject to this Act, a retention licence remains in force for such period not exceeding 5 years as is specified in the licence and then expires.

2. The Minister may, on receipt of an application made within the prescribed time and in the prescribed manner, renew or further renew a retention licence for a period not exceeding 5 years.

e) Conditions for prevention or reduction of injury to land

1. On the granting of a retention licence, or at any subsequent time, the Minister may impose on the holder of the licence reasonable conditions for the purpose of preventing or reducing, or making good, injury to the natural surface of the land in respect of which the licence is sought or was granted, or injury to anything on the natural surface of that land or consequential damage to any other land.

2. A condition imposed under this Section may be cancelled or varied by the Minister at any time.

f) Rights conferred by retention licence

A retention licence, while it remains in force, authorises the holder of the licence, subject to this Act, and in accordance with any conditions to which the licence may be subject 1. To enter and re-enter the land the subject of the licence with such agents, employees, vehicles, machinery and equipment as may be necessary or expedient for the purpose of further exploring for minerals in, on or under the land; 2. To further explore, subject to any conditions imposed under the Act, for minerals, and to carry on such operations and carry out such works as are necessary for that purpose on such land including digging pits, trenches and holes, and sinking bores and tunnels to the extent necessary for the purpose in, on or under the land; 3. To excavate, extract or remove, subject to any conditions imposed under the Act, from such land, earth, soil, rock, stone, fluid or mineral bearing substances in such amount, in total during the period for which the licence remains in force, as does not exceed the prescribed limit, or in such greater amount as the Minister may, in any case, approve in writing; 4. To take and divert, subject to the *Rights in Water and Irrigation Act 1914*, or any Act amending or replacing the relevant provisions of that Act, water from any natural spring, lake, pool or stream situated in or flowing through such land or from any excavation previously made and used for mining purposes, and, subject to that Act, to sink a well or bore on such land and take water therefrom and to use the water so taken for the holder's domestic purposes and for any purpose in connection with exploring for minerals on the land.

g) Holder of retention licence to have priority for grant of mining lease or general purpose lease

1. The holder of a retention licence has a) subject to this Act and to any conditions to which the retention licence is subject; b) subject to satisfactory compliance with any conditions imposed under the Act and c) while the retention licence remains in force, the right to apply for, and to have granted one or more mining leases or one or more general purpose leases or both in respect of any part or parts of the land the subject of the retention licence.

2. Where an application for a mining lease or a general purpose lease is made by the holder of a retention licence in respect of any land and the term of the retention licence would but for this Subsection expire, that licence shall continue in force in respect of the land the subject of the application until the application for a lease is determined.

4. Mining lease

a) Grant of mining lease

Subject to this Act, the Minister may, on the application of any person, after receiving a recommendation of the Mining Registrar or the Warden in accordance with the Act, grant to the person a lease to be known as a mining lease on such terms and conditions as the Minister considers reasonable.

b) Person may be granted more than one mining lease

Any person may be granted more than one mining lease.

c) Area of mining lease

The area of land in respect of which any one mining lease may be granted shall not exceed 10 square kilometres.

d) Application for mining lease

An application for a mining lease a) shall be in the prescribed form; b) shall be accompanied by the amount of the prescribed rent for the first year of the term of the lease or portion thereof as prescribed; c) shall be accompanied by the prescribed application fee; d) shall be lodged at the office of the Mining Registrar.

e) Determination of application for mining lease

1. A person who wishes to object to the granting of an application for a mining lease shall lodge at the office of the Mining Registrar a notice of objection within the prescribed time and in the prescribed manner.

2. Where no notice of objection is lodged within the prescribed time, the Mining Registrar shall with due regard to relevant provisions, forward to the Minister a report which recommends the grant or refusal of the mining lease and sets out the reasons for that recommendation.

f) Priorities as to mining tenements

Subject to the relevant provisions of the Act as regards the special prospecting licences and mining leases therein referred to and as regards provisions relating miscellaneous licences, where an application for a mining lease includes any portion of land included in a current mining tenement held by a person other than the applicant, any mining lease granted on the application shall not include any such portion of land.

g) Term of leases, options and renewals

1. Subject to this Act, a mining lease shall remain in force a) for an initial term of 21 years; and b) where application for renewal is made in the prescribed manner during the final year of the term of that lease for a further term of 21 years, as of right but subject in respect of that further term to the provisions of this Act and the regulations thereunder as in force on and after the date of renewal.

2. The Minister may, from time to time upon receipt of an application made in the prescribed manner, renew or further renew a mining lease for successive terms so that no such term exceeds a period of 21 years.

h) Conditions for prevention or reduction of injury to land

On the granting of a mining lease, or at any subsequent time, the Minister may impose on the lessee reasonable conditions for the purpose of preventing or reducing, or making good, injury to the natural surface of the land in respect of which the lease is sought or was granted, or injury to anything on the natural surface of that land or consequential damage to any other land.

i) Security relating to mining lease

The Minister may require the holder of a mining lease to lodge at the office of the Mining Registrar or the Department at Perth, within such period as the Minister specifies in writing, a security for compliance with conditions imposed in relation to the lease under the Act.

j) Rights of holder of mining lease

1. Subject to this Act, a mining lease authorises the lessee thereof and his agents and employees on his behalf to a) work and mine the land in respect of which the lease was granted for any minerals; b) take and remove from the land any minerals and dispose of them; c) take and divert subject to the *Rights in Water and Irrigation Act 1914*, or any Act amending or replacing the relevant provisions of that Act,

water from any natural spring, lake, pool or stream situated in or flowing through such land or from any excavation previously made and used for mining purposes, and subject to that Act to sink a well or bore on such land and take water therefrom and to use the water so taken for his domestic purposes and for any purpose in connection with mining for minerals on the land; and d) do all Acts and things that are necessary to effectually carry out mining operations in, on or under the land.

2. Subject to this Act, the lessee of a mining lease a) is entitled to use, occupy, and enjoy the land in respect of which the mining lease was granted for mining purposes; and b) owns all minerals lawfully mined from the land under the mining lease.

3. The rights conferred by this Section are exclusive rights for mining purposes in relation to the land in respect of which the mining lease was granted.

k) Special prospecting licence on a mining lease

1. Where any land is the subject of a mining lease (in this Section called “the primary tenement”) then notwithstanding relevant provisions under the Act, a person may at any time mark out and, apply for a prospecting licence for gold (in this Section called a “special prospecting licence”) in respect of any part of the land the subject of the primary tenement.

1(a) A special prospecting licence may only be applied for by, granted to or held by a natural person.

2. An application for a special prospecting licence shall be accompanied by the written consent of the holder of the primary tenement to the granting of the special prospecting licence.

3. Subject to this Section, the Mining Registrar may, if the Mining Registrar is satisfied that the holder of the primary tenement has consented in writing to the granting of the special prospecting licence, grant a special prospecting licence on such terms or conditions as the Mining Registrar thinks fit.

Area : The area of the land shall not exceed 10 hectares.

Period : A special prospecting licence may be granted for a period of 3 months or for any period which is a multiple of 3 months but which does not exceed 4 years.

5. General purpose lease

a) Grant of general purpose lease

1. Subject to this Act, the Minister may, on the application of any person, after receiving a recommendation of the Mining Registrar or the Warden, grant to such person a lease to be known as a general purpose lease for use by him in respect to mining operations on such terms and conditions as the Minister considers reasonable.

2. Any such person may be granted more than one general purpose lease.

Area : The area of land in respect of which any one general purpose lease may be granted shall not exceed 10 hectares, unless the Minister is satisfied that a larger area of land is required for the purposes of the lease, and shall be limited to such depth below the natural surface of the land as may be specified in the lease or, where no depth is so specified, to 15 metres below the lowest part of the natural surface of the land.

b) Purposes for which general purpose lease may be granted

1. A general purpose lease entitles the lessee thereof and his agents and employees to the exclusive occupation of the land in respect of which the general purpose lease was granted for one or more of the following purposes a) for erecting, placing and operating machinery thereon in connection with the mining operations carried on by the lessee in relation to which the general purpose lease was granted; b) for depositing or treating thereon minerals or tailings obtained from any land in accordance with this Act; c) for using the land for any other specified purpose directly connected with mining operations.
2. The purpose or purposes for which a general purpose lease is granted shall be specified in the lease.

c) Term of general purpose lease (Period)

Subject to this Act, a general purpose lease remains in force 1. Where it is granted in relation to a particular mining lease and contains no other provision for expiry, until a) it is surrendered or forfeited; or b) the date of surrender, forfeiture or expiry of the mining lease (or any renewal thereof) in relation to which it was granted or 21 years from the date deemed to be the date on which the term of the general purpose lease commenced or, if any other date of commencement is specified in the general purpose lease, the specified date, whichever is the longer period; or 2. In any other case, for a period of 21 years or until it is sooner surrendered or forfeited.

d) Renewal

On receipt of an application made in the prescribed manner during the final year of the term of the lease, the Minister 1. Shall renew the term of the lease as to the whole of the land the subject of the lease a) for one further period of 21 years; and b) on the terms and conditions to which the lease was subject before its renewal; and 2. May, in the case of a lease renewed under paragraph (a), renew or further renew the term of the lease as to the whole or any part of the land the subject of the lease a) for a period not exceeding 21 years; and b) on such terms and conditions as the Minister thinks fit.

e) Form of general purpose lease

A general purpose lease shall be in the prescribed form and shall contain such covenants, terms and conditions as are prescribed and specified therein and such additional terms and conditions as the Minister may, from time to time, in writing specify.

6. Miscellaneous licence

a) Grant of miscellaneous licence

1. Subject to this Act, and in the case of a miscellaneous licence for water to the *Rights in Water and Irrigation Act, 1914*, or any Act amending or replacing the relevant provisions of that Act, the Mining Registrar or the Warden, in accordance with relevant provisions of the Act may, on the application of any person, grant in respect of any land a licence, to be known as a miscellaneous licence, for any one or more of the purposes prescribed.
2. A person may be granted more than one miscellaneous licence.
3. A miscellaneous licence shall a) be in the prescribed form; and b) authorise the holder to do such matters and things as are specified in the licence.
4. A miscellaneous licence shall not be granted unless the purpose for which it is granted is directly connected with mining operations.

b) Term and renewal of existing licence or licence granted in respect of existing application

This Section applies to a miscellaneous licence that is a) in force on the commencement; or b) granted on or after the commencement in respect of an application made under relevant provisions of the Act before the commencement.

Period : Subject to this Act, a licence to which this Section applies remains in force for 1. A period of 5 years from the day on which it is or was granted; or 2. In the case of a licence referred to in Subsection (1)(a) that was renewed before the commencement, the period for which it was so renewed.

Renewal : 1. On receipt of an application made in the prescribed manner during the final year of the term of the licence, the Minister a) may renew the term of the licence as to the whole or any part of the land the subject of the licence (I) for one further period not exceeding 5 years; and (ii) on such terms and conditions as the Minister thinks fit; and b) shall, in the case of a licence renewed under paragraph (a), renew or further renew the term of the licence as to the whole of the land the subject of the licence (I) for a period that is the same as the period for which the licence was renewed under paragraph (a); and (ii) on the terms and conditions to which the licence was subject before its renewal.

2. If an application for renewal is made under this Section and the term of the licence would but for this Subsection expire, the licence continues in force in respect of the land the subject of the application until the application is determined.

c) Term and renewal of licence granted in respect of new application

Period : 1. This Section applies to a miscellaneous licence granted in respect of an application made under the Act, on or after the commencement.

2. Subject to this Act, a licence to which this Section applies remains in force for a period of 21 years.

Renewal : 1. On receipt of an application made in the prescribed manner during the final year of the term of the licence, the Minister a) shall renew the term of the licence as to the whole of the land the subject of the licence (I) for one further period of 21 years; and (ii) on the terms and conditions to which the licence was subject before its renewal; and b) may, in the case of a licence renewed under paragraph (a), renew or further renew the term of the licence as to the whole or any part of the land the subject of the licence (I) for a period not exceeding 21 years; and (ii) on such terms and conditions as the Minister thinks fit.

2. If an application for renewal is made under this Section and the term of the licence would but for this Subsection expire, the licence continues in force in respect of the land the subject of the application until the application is determined.

3. If the holder of a licence to which this Section applies transfers the licence after making an application for renewal under this Section, the application continues in the name of the transferee of the licence as if the transferee had made it.

Terms and conditions

1. A miscellaneous licence is subject to the terms and conditions prescribed.

2. The Minister may dismiss the appeal or uphold the appeal and grant the application on such conditions as he considers reasonable.

d) Grant of mining tenement on land in a miscellaneous licence

1. Anything in the relevant provisions of the Act do not prevent another mining tenement from being marked out, applied for or granted in respect of land that is the subject of a miscellaneous licence.
2. If another mining tenement is granted in respect of land that is subject to a miscellaneous licence the other mining tenement and the miscellaneous licence apply concurrently with respect to that land.

e) Surrender of concurrent tenement

Subject to this Act, if 1. Two or more mining tenements apply concurrently with respect to land; and 2. One of the mining tenements is surrendered or forfeited or expires, the land continues to be subject to the other mining tenement or tenements.

7. Surrender and forfeiture of mining tenements

a) Surrender of mining tenement

1. Subject to this Act the holder of any mining tenement may, in the prescribed manner and on payment of the prescribed fees, surrender the tenement in whole or in part.
2. When the holder of a mining tenement surrenders it pursuant to Subsection (1), the holder is liable a) to pay any rent, fee, royalty, penalty or other money on any other account, that is payable on or before the date of surrender; b) to perform any obligation required to be performed on or before that date; c) for any Act done or default made on or before that date.

b) Exploration licence – surrender of part of block

1. The holder of an exploration licence shall not, surrender part of a block that is subject to the licence without the prior approval of the Minister or an officer of the Department authorised by the Minister to give such approval.
2. Where part of a block that is subject to an exploration licence is surrendered the rest of the block that remains subject to the licence is deemed to be a block for the purposes of this Act.

c) Forfeiture of certain mining tenements

The Warden may upon the application of a) the Minister or any Mining Registrar or other officer of the Department authorised by the Minister in writing in that behalf; or b) any person, made in the prescribed form and in the prescribed manner, make an order for the forfeiture of any prospecting licence or a miscellaneous licence granted or acquired under this Act or by virtue of the repealed Act.

d) Forfeiture of exploration licence or retention licence

1. When a) an exploration licence is liable to forfeiture under the Act or b) a retention licence is liable to forfeiture under the Act, the Minister may cause the licence to be forfeited by declaring by notice published in the *Government Gazette* that the licence is forfeited.
2. Subject to relevant Section of the Act, the Minister may, for any cause that he deems sufficient and subject to relevant Subsection, by notice under his hand published in the *Government Gazette* a) cancel a declaration made under relevant Subsection and b) restore the licence to which the declaration referred to in paragraph (a) relates to the holder thereof.

3. The Minister may, in effecting the cancellation and restoration referred to in relevant Subsection, impose on the holder of the licence restored under that Subsection such conditions as he thinks fit.

e) Forfeiture of mining lease or general purpose lease

Where a mining lease or general purpose lease is liable to forfeiture for a breach of the lessee's covenant to pay rent or royalty or for breach of a covenant included in the lease under relevant Sections or a condition to which the lease is subject, the Minister may declare, by notice under his hand published in the Government Gazette, such lease forfeited.

f) Appeals against cancellation of forfeiture

Subject to the relevant provisions of the Act, where a mining tenement is forfeited under or by virtue of the Act, a person who was, immediately prior to the forfeiture, the holder of the tenement concerned may apply to the Warden for the mining tenement to be restored to him and the forfeiture cancelled.

g) Application for forfeiture on other grounds

Where the requirements of this Act are not being complied with in respect of the expenditure conditions applicable to an exploration licence or a mining lease, any person may apply to the Warden for the forfeiture of such licence or lease as provided in this Section.

E. Rent & Royalties

a) Rent payable for mining tenement

In respect of each mining tenement there shall be payable by the holder thereof at the times respectively prescribed, such rent as may be respectively prescribed.

b) Royalties

1. In the exercise of the power to make regulations under the Act, the Governor may by regulation a) prescribe how, by whom, and at what rate, or differentiating rates, royalties shall be paid in respect of minerals or any class of minerals, obtained from land that is the subject of a mining lease or other mining tenement granted under this Act, or that is the subject of an application for the grant of a mining lease or other mining tenement under this Act; b) exempt, subject to conditions or unconditionally, any person or class of persons from payment either generally, or in any class of case, or in any particular case, from payment of royalty so prescribed; and c) provide for penalties, including penalties for continuing offences, for contravention of the requirements of this Act in relation to royalties and the furnishing of information relevant to the assessment of royalties.

2. Regulations made under the Act may empower the Minister a) to determine by what method a value shall be placed on a mineral or a class of minerals for the purpose of assessing the rate of royalty that shall be paid, and in so doing to take into account market factors, including pricing methods and merchandising practices; and b) to exercise a discretion as to the basis on which a rate of royalty shall be applied, taking into account particular circumstances.

3. For the purposes of this Section, a reference to a mineral includes a reference to a material containing that mineral.

4. Notwithstanding relevant Section of the Act or the provisions of any other Act, proceedings in respect of a failure to furnish information relevant to the assessment of royalties or to pay royalties under this Act

may be brought within the period of 3 years after the royalty return was required to be submitted or the royalty required to be paid or, with the consent of the Minister, at any later time.

5. where in relation to an offence : requirement for payment of estimated royalty or a penalty, or both, was made of that person under paragraph (b) and is not complied with, the Minister may a) in the case of a mining tenement, forfeit that tenement as though it were a mining lease liable to forfeiture for a breach of the lessee's covenant to pay royalty, effect being given to relevant Section to the Act, as though for the purposes of that Section, the tenement were a lease of which the holder was the lessee; or b) in the case of an application for a mining tenement, refuse that application, effect being given to the Act as though the Minister were satisfied on reasonable grounds in the public interest that the application should not be granted.

c) Mining lease restricted to certain minerals

Notwithstanding anything to the contrary in this Act, the Minister may, having regard to the locality wherein the land the subject of an application for a mining lease is, and if the Minister considers it is in the public interest to do so, grant the applicant a mining lease that authorises the holder thereof to mine on or under or both, and remove from the land the subject of the mining lease, only such mineral as is specified in the lease.

d) Repossession of land on expiry of mining tenement

1. When a mining tenement expires or is surrendered or forfeited, the owner of the land to which the mining tenement related may take possession of the land forthwith, subject to any estate or interest held by any other person other than under that mining tenement.

2. All members of the Police Force of the State shall, when required by the Warden so to do, Act in aid of the Warden in the exercise and discharge by him of his powers, functions and duties under this Act.

e) Minor capable of being sued and of suing

Any person who has not attained the age of 18 years may sue and be sued in a Warden's court in respect of any matter within the jurisdiction of that court as if he were of full age and any mining tenement held by him may be taken in execution and sold under legal process.

F. General penalty

1. A person who Acts in contravention of or fails to comply in any respect with any provision of this Act commits an offence against this Act.

2. A person who commits an offence against this Act for which no penalty is provided elsewhere than in this Act is liable to a fine of \$10 000 and if the offence is a continuing one, to a fine not exceeding \$1 000 for every day or part of a day during which the offence has continued.

G. Offence of mining without authority

Subject to the relevant provisions of the Act, a person shall not carry on mining on any land unless he is duly authorised under this or any other Act to do so.

Penalty: \$100 000 and if the offence is a continuing one, to a further fine of \$10 000 for every day or part of a day during which the offence has continued.

This provision does not apply in respect of mining operations carried on any private land with the consent of the owner of the land if he is the owner of the mineral being mined on the land.

Western Australia — Salient features

| Type of concessions | Salient features |
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| 1. Ownership rights & Administrative control | The Minister shall administer this Act. The Minister - a) shall be a corporation sole, with perpetual succession and shall have an official seal; and b) may, in his corporate name, acquire, hold, lease and otherwise dispose of real and personal property, and may sue and be sued in that name. |
| 2. Crown land | All Crown land, not being Crown land that is the subject of a mining tenement, is open for mining and as such is land 1. Where any person may set up pegs or otherwise mark out the land in connection with an application for a mining tenement; 2. where the holder of a Miner's Right may do the things authorised by the Act and 3. which may be made the subject of an application for a mining tenement, subject to and in accordance with this Act. The Minister, the Director General of Mines, a Warden or a Mining Registrar may issue or cause to be issued to a person upon being satisfied as to the identity of the applicant and payment of the prescribed fee a Miner's Right which is not transferable and not limited in term and such a Miner's Right shall be in the prescribed form. The Mining Registrar or the holder of a prescribed office in the Department may issue a permit to prospect for minerals on Crown land that is the subject of an exploration licence to a) a natural person who is the holder of a Miner's Right; or b) 2 or 3 natural persons, each of whom is the holder of a Miner's Right, as joint holders of the permit. The Minister may, by notice publish in the Gazette, declare that a permit to prospect for minerals on crown land that is the subject of an exploration licence does not apply to Crown land that is - a) the subject of a specified exploration licence; b) in a specified block; or c) in a specified area of the State. |
| 3. Public Reserves | A mining tenement may be applied for in respect of any land, or land of a class, classified as reserves under the Act (not being land that is already the subject of a mining tenement) but no mining shall be carried out on or under any such land otherwise than in accordance with a relevant consent obtained in relation to that land under this Act; and a mining tenement held in relation to such land by a person who - a) contravenes this Section; or b) is in breach of any term or condition to which a consent given under the Act is made subject, is liable to be forfeited, and such land is only open for mining as provided in those Sections and subject to such terms and conditions as are thereby imposed. |

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| <p>4. Private land</p> | <p>A mining tenement may be applied for in respect of any private land (which for the purposes of this Division does not include private land that is the subject of a mining tenement, other than in relation to mining for gold pursuant to a special prospecting licence or mining lease under relevant Sections of the Act in which case the land which is the subject of the application for that licence or lease is to be dealt with as private land) and such land is open for mining in accordance with this Act.</p> |
| <p>5. Mineral Concession</p> <p>A. Prospecting Licence</p> <p>a) Area</p> <p>b) Period</p> <p>c) Grant</p> <p>d) Special Prospecting Licence</p> <p>(i) Area</p> | <p>The area of land in respect of which any one prospecting licence may be granted shall not exceed 200 hectares.</p> <p>A prospecting licence shall, subject to this Act, remain in force for a period of 4 years from and including the date on which it was granted, and shall then expire.</p> <p>The Mining Registrar or the Warden, may, on the application of any person grant to that person a licence to be known as a prospecting licence, which shall be subject to such conditions as, are prescribed or are imposed pursuant to the Act or are specified in the licence. A person may be granted more than one prospecting licence. An application for a prospecting licence a) shall be made in the prescribed form; b) shall be accompanied by the amount of the prescribed rent for the first year or portion thereof as prescribed; c) shall be made by reference to a written description of the area of land in respect of which the licence is sought, and be accompanied by a map on which are clearly delineated the boundaries of that area; e) shall be lodged at the office of the Mining Registrar; f) shall be accompanied by the prescribed application fee.</p> <p>Any land is the subject of a prospecting licence (in this Section called "the primary tenement") then, without revoking or injuriously affecting any existing mining tenement acquired and held under this or repeated Act, whether or not any reservation or exception of that existing mining tenement is contained in the crown grant, transfer of crown land in fee simple or conveyance or the grant of the mining tenement.</p> <p>A special prospecting licence so granted shall not exceed 10 hectares in area; shall authorise the holder</p> |

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| <p>(ii) Period</p> | <p>thereof to prospect only for gold; shall not, unless the Minister otherwise directs, prevent the holder of the primary tenement from prospecting for minerals other than gold in or on the land the subject of the special prospecting licence.</p> <p>A special prospecting licence may be granted for a period of 3 months or for any period which is a multiple of 3 months but which does not exceed 4 years.</p> |
| <p>B. Exploration Licence</p> <p>a) Period</p> <p>b) Term & Renewal</p> <p>c) Grant</p> <p>d) Forfeiture of licence</p> <p>e) Surrender of certain areas</p> | <p>The area of land of exploration licence may be granted shall be a block or blocks but shall not exceed more than 70 blocks.</p> <p>The exploration licence shall be in force for a period of 5 years from and including the date on which it is granted, and shall then expire. The Minister may extend the term of an exploration licence -a) in prescribed circumstances by (i) a period of one or two years; and (ii) one further period of one or two years; and b) in exceptional circumstances by a further period or periods of one year, as to the whole or any part of the land the subject of that exploration licence on such terms and conditions as the Minister thinks fit.</p> <p>a) The Minister may on the application of any person and after receiving a recommendation of the Mining Registrar or the Warden in accordance with the Act, grant to that person a licence to be known as an exploration licence on such terms and conditions as the Minister may determine. An application for a prospecting licence a) shall be made in the prescribed form; b) shall be accompanied by the amount of the prescribed rent for the first year or portion thereof as prescribed; c) shall be made by reference to a written description of the area of land in respect of which the licence is sought, and be accompanied by a map on which clearly has delineated the boundaries of that area; e) shall be lodged at the office of the Mining Registrar; f) shall be accompanied by the prescribed application fee.</p> <p>An exploration licence is liable to forfeiture if a) the prescribed rent or royalty in respect thereof is not paid in accordance with this Act; b) any requirement under the Act in relation to the exploration licence is not complied with.</p> <p>The holder of an exploration licence shall at the</p> |

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| b) Period | <p>A general purpose lease remains in force 1. where it is granted in relation to a particular mining lease and contains no other provision for expiry, until a) it is surrendered or forfeited; or b) the date of surrender, forfeiture or expiry of the mining lease (or any renewal thereof) in relation to which it was granted or 21 years from the date deemed to be the date on which the term of the general purpose lease commenced or, if any other date of commencement is specified in the general purpose lease, the specified date, whichever is the longer period; or 2. in any other case, for a period of 21 years or until it is sooner surrendered or forfeited.</p> |
| c) Renewal | <p>On receipt of an application made in the prescribed manner during the final year of the term of the lease, the Minister 1. shall renew the term of the lease as to the whole of the land the subject of the lease a) for one further period of 21 years; and b) on the terms and conditions to which the lease was subject before its renewal; and 2. may, in the case of a lease renewed under paragraph (a), renew or further renew the term of the lease as to the whole or any part of the land the subject of the lease a) for a period not exceeding 21 years; and b) on such terms and conditions as the Minister thinks fit.</p> |
| d) Grant | <p>The Minister may, on the application of any person, after receiving a recommendation of the Mining Registrar or the Warden, grant to such person a lease to be known as a general purpose lease for use by him in respect to mining operations on such terms and conditions as the Minister considers reasonable. Any such person may be granted more than one general purpose lease.</p> |
| 3. Miscellaneous Licence | |
| a) Grant of miscellaneous licence | <p>Under this Act, on the application of any person, grant in respect of any land a licence, to be known as a miscellaneous licence, for any one or more of the purposes prescribed. A person may be granted more than one miscellaneous licence. A miscellaneous licence shall a) be in the prescribed form; and b) authorise the holder to do such matters and things as are specified in the licence.</p> |
| b) Term and renewal of existing licence or licence granted in respect of existing application | <p>A licence to which this Section applies remains in force for a period of 5 years from the day on which it is granted.</p> |
| (i) Period | |

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| <p>(ii) Renewal</p> <p>c) Term and renewal of licence granted in respect of new application</p> <p>(i) Period</p> <p>(ii) Renewal</p> | <p>During the final year of the term of the licence, the Minister a) may renew the term of the licence as to the whole or any part of the land the subject of the licence (i) for one further period not exceeding 5 years; and (ii) on such terms and conditions as the Minister thinks fit.</p> <p>A licence to which this Section applies remains in force for a period of 21 years.</p> <p>During the final year of the term of the licence, the Minister shall renew the term of the licence as to the whole of the land the subject of the licence (i) for one further period of 21 years; and (ii) on the terms and conditions to which the licence was subject before its renewal; and b) may, in the case of a licence renewed under paragraph (a), renew or further renew the term of the licence as to the whole or any part of the land the subject of the licence (i) for a period not exceeding 21 years; and (ii) on such terms and conditions as the Minister thinks fit.</p> |
| <p>G. Surrender of mining tenement</p> | <p>The holder of any mining tenement may, in the prescribed manner and on payment of the prescribed fees, surrender the tenement in whole or in part. When, the holder of a mining tenement surrenders pursuant to this Act, the holder is liable a) to pay any rent, fee, royalty, penalty or other money on any other account, that is payable on or before the date of surrender; b) to perform any obligation required to be performed on or before that date; c) for any Act done or default made on or before that date.</p> |
| <p>6. Rent & Royalty</p> <p>a) Rent</p> <p>b) Royalty</p> | <p>In respect of each mining tenement there shall be payable by the holder thereof at the times respectively prescribed, such rent as may be respectively prescribed.</p> <p>In the exercise of the power to make regulations under the Act, the Governor may by regulation a) prescribe how, by whom, and at what rate, or differentiating rates, royalties shall be paid in respect of minerals or any class of minerals, obtained from land that is the subject of a mining lease or other mining tenement granted under this Act, or that is the subject of an application for the grant of a mining lease or other mining tenement under this Act; b) exempt, subject to conditions or unconditionally, any person or class of persons from payment either generally, or in any class of case, or in any particular case, from payment of royalty so prescribed; and c)</p> |

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| | provide for penalties, including penalties for continuing offences, for contravention of the requirements of this Act in relation to royalties and the furnishing of information relevant to the assessment of royalties. |
| 7. General penalty | A person who Acts in contravention of or fails to comply in any respect with any provision of this Act commits an offence against this Act. A person who commits an offence against this Act for which no penalty is provided elsewhere than in this Act is liable to a fine of \$10 000 and if the offence is a continuing one, to a fine not exceeding \$1 000 for every day or part of a day during which the offence has continued. |