



# Mining Amendment (Royalties) Regulation 2004

under the

Mining Act 1992

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Mining Act 1992*.

KERRY ARTHUR HICKEY, M.P.,

Minister for Mineral Resources

## Explanatory note

The object of this Regulation is to amend the *Mining Regulation 2003* for the following purposes:

- (a) to replace the existing rates of royalty payable on coal, which are based on a rate per tonne of coal recovered, with a rate based on a percentage of the value of coal recovered, with the rate to vary according to the method of mining used to recover the coal,
- (b) to enable the Director-General of the Department of Mineral Resources to require additional matters to be included in royalty returns and additional records to be kept,
- (c) to make other consequential amendments.

This Regulation is made under the *Mining Act 1992*, including section 283 and section 388 (the general regulation-making power).

## **2004 No 364**

Clause 1 Mining Amendment (Royalties) Regulation 2004

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# **Mining Amendment (Royalties) Regulation 2004**

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### **1 Name of Regulation**

This Regulation is the *Mining Amendment (Royalties) Regulation 2004*.

### **2 Commencement**

This Regulation commences on 1 July 2004.

### **3 Amendment of Mining Regulation 2003**

The *Mining Regulation 2003* is amended as set out in Schedule 1.

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**Schedule 1 Amendments**

(Clause 3)

**[1] Clause 44 Rates of royalty for minerals other than coal**

Insert “(other than coal)” after “mineral” where firstly occurring in clause 44 (1) (b).

**[2] Clause 44 (2), (4) and (5)**

Omit the subclauses.

**[3] Clause 44A**

Insert after clause 44:

**44A Rates of royalty for coal**

- (1) For the purposes of section 283 (1) (a) of the Act, the base rate of royalty for coal is as follows:
  - (a) 7% of the value of coal recovered by open cut mining,
  - (b) 6% of the value of coal recovered by underground mining,
  - (c) 5% of the value of coal recovered by deep underground mining.
- (2) For the purposes of this clause, the quantity of coal taken to have been recovered during any particular period is the quantity of coal disposed of by the holder of the mining lease during the period, as determined by the Minister on the basis of the records kept by the holder of the mining lease.
- (3) For the purposes of this clause, if coal is recovered by the holder of a mining lease by more than one method of mining or if there is a dispute as to the method by which coal was recovered, the Minister may determine how it was recovered and may determine what value of coal was recovered by what method.
- (4) In this clause:

*deep underground mining* means mining carried out at a mine in which coal situated at a depth of 400 metres or more is extracted by means other than open cut methods.

*open cut mining* means mining carried out at a mine in which coal is extracted by open cut methods.

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Schedule 1 Amendments

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*underground mining* means mining (other than deep underground mining) carried out at a mine in which coal is extracted other than by open cut methods.

### [4] Clause 45 Returns

Insert after clause 45 (1) (a) (ii):

, and

- (iii) in the case of any mineral—any other matters required by the Director-General to be shown.

### [5] Clause 45 (2) (e)

Insert after clause 45 (2) (d):

, and

- (e) any other records relating to the minerals required by the Director-General to be kept.

### [6] Schedule 7 Rate of royalty

Omit the matter relating to coal.

BY AUTHORITY

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