

TERRITORY OF CHRISTMAS ISLAND

Mining Legislation (Amendment) Ordinance 1996

No. 10 of 1996

TABLE OF PROVISIONS

PART 1—PRELIMINARY

1. Short title
2. Commencement

PART 2—AMENDMENTS OF THE MINING ACT 1978 (W.A.) (C.I.)

3. Amendment
4. Section 10 (Administration of Act)
5. Section 73 (Area of mining lease)
6. Section 78 (Terms of leases, options and renewals)
7. Section 88 (Term of general purpose lease)
8. Section 101 (Application for forfeiture of mining tenement while holder is a company in process of winding up)

PART 3—AMENDMENTS OF THE MINING REGULATIONS 1981 (W.A.) (C.I.)

9. Amendment
10. Regulation 86 (Rates of royalty)
11. Regulation 86A (Time for payment of royalties to Department)
12. Regulation 91 (Appeal to Minister)
13. Regulation 92 (Shape of tenement)
14. First Schedule (Schedule of forms)

PART 4—AMENDMENTS OF THE MINES SAFETY AND INSPECTION ACT 1994 (W.A.) (C.I.)

15. Amendment
16. Section 4 (Interpretation)

TABLE OF PROVISIONS—continued

- 17. Section 19 (Employee's inspectors)
- 18. Section 55 (Consultation on election matters)

**PART 5—AMENDMENTS OF THE MINES SAFETY AND
INSPECTION REGULATIONS 1995 (W.A.) (C.I.)**

- 19. Amendment
- 20. Regulation 2.3 (Election of employee's inspectors)
- 21. Regulation 2.46 (Meetings)
- 22. Schedule 1 (Election of employee's inspectors)

TERRITORY OF CHRISTMAS ISLAND

Mining Legislation (Amendment) Ordinance 1996

No. 10 of 1996

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Ordinance under the *Christmas Island Act 1958*.

Dated 20 December 1996.

WILLIAM DEANE
Governor-General

By His Excellency's Command,

ROBERT HILL
Minister for the Environment

An Ordinance to amend certain mining laws of Western Australia in their application to the Territory of Christmas Island

PART 1—PRELIMINARY

1. Short title

1.1 This Ordinance may be cited as the *Mining Legislation (Amendment) Ordinance 1996*.¹

2. Commencement

2.1 This Ordinance, other than section 8, commences on 1 January 1997.

2.2 Section 8 commences on the day on which the *Corporations (Western Australia) Act 1990* (W.A.) (C.I.) ceases to be suspended under section 5 of the *Applied Laws (Implementation) Ordinance 1992*.

**PART 2—AMENDMENTS OF THE MINING ACT 1978
(W.A.) (C.I.)**

3. Amendment

3.1 The *Mining Act 1978* (W.A.) (C.I.) is amended as set out in this Part.

4. Section 10 (Administration of Act)

4.1 Omit the section.

5. Section 73 (Area of mining lease)

5.1 Omit the section.

6. Section 78 (Terms of leases, options and renewals)

6.1 Paragraph 78 (1) (b):

Omit “of 21 years, as of right”, substitute “determined by the Minister”.

7. Section 88 (Term of general purpose lease)

7.1 Subsection 88 (2):

Omit “of 21 years, as of right”, substitute “determined by the Minister”.

8. Section 101 (Application for forfeiture of mining tenement while holder is a company in process of winding up)

8.1 Omit the section, substitute:

Application for forfeiture of mining tenement of which holder is a company being wound up

“**101.** Despite section 471B of the Corporations Law, if:

- (a) the holder of a mining tenement is a corporation that is being wound up; or
- (b) a provisional liquidator of a company that is the holder of a mining tenement is appointed;

proceedings for forfeiture of the mining tenement under section 96 or 98 may be commenced or continued without the leave of the Supreme Court.”.

**PART 3—AMENDMENTS OF THE MINING
REGULATIONS 1981 (W.A.) (C.I.)**

9. Amendment

9.1 The Mining Regulations 1981 (W.A.) (C.I.) are amended as set out in this Part.

10. Regulation 86 (Rates of royalty)

10.1 Add at the end:

“(3) Despite subregulation (2), the Commonwealth and the holder of a mining tenement may agree on the rate of royalty that is to be paid for a mineral, and may agree that the rate to be paid for a mineral may vary under specified circumstances.

“(4) In particular (but without limiting subregulation (3)), the Commonwealth and the holder may agree that the rate may vary according to the quantity of the mineral mined during a specified period.”.

11. Regulation 86A (Time for payment of royalties to Department)

11.1 Omit the regulation, substitute:

Time for payment of royalties

“**86A. (1)** In the case of a mineral the royalty for which is based on realized value, royalties for the quantity of a mineral that has been realized during a quarter must be paid before the end of 30 days after the last day of the quarter.

“(2) In any other case, royalties for the quantity of a mineral that has been mined during a quarter must be paid before the end of 30 days after the last day of the quarter.

“(3) In this regulation:

‘**quarter**’ means a period of 3 months beginning on a 1 January, 1 April, 1 July or 1 October.”.

12. Regulation 91 (Appeal to Minister)

12.1 Subregulation 91 (1):

Omit “14”, substitute “28”.

13. Regulation 92 (Shape of tenement)

13.1 Omit the regulation.

14. First Schedule (Schedule of forms)

14.1 Form No. 8:

Omit “The Minister a corporation sole established by the *Mining Act 1978*”, substitute “The Commonwealth of Australia”.

14.2 Form No. 8 (paragraph beginning “The Commonwealth of Australia ...”):

After “by any Act”, insert “or Territory Ordinance”.

14.3 Form No. 8 (Clause 7):

After “any other Act”, insert “or Territory Ordinance”.

14.4 Form No. 8 (paragraph beginning “Reference to”):

Omit the paragraph, substitute:

“A reference in this lease to an Act or Territory Ordinance is a reference to that Act or Ordinance as in force in the Territory from time to time, and includes any regulations or by-laws in force in the Territory under that Act or Ordinance.”.

14.5 Form No. 8 (Third Schedule):

Omit “in right of the State of Western Australia” (twice occurring).

14.6 Form No. 8:

Omit:

“In witness whereof the Minister has affixed his seal and set his hand hereto thisday of19.....”,
substitute:

“Signed by the Minister on behalf of the Commonwealth
on ”.

14.7 Form No. 10:

Omit “The Minister a corporation sole established by the *Mining Act 1978*”, substitute “The Commonwealth of Australia”.

14.8 Form No. 10 (paragraph beginning “The Commonwealth of Australia”)

After “by any Act”, insert “or Territory Ordinance”.

14.9 Form No. 10 (Clause 6):

After “any other Act”, insert “or Territory Ordinance”.

14.10 Form No. 10 (paragraph beginning “Reference to”):

Omit the paragraph, substitute:

“A reference to an Act or Territory Ordinance is a reference to that Act or Ordinance as in force in the Territory from time to time, and includes any regulations or by-laws in force in the Territory under that Act or Ordinance.”.

14.11 Form No 10 (Fourth Schedule):

Omit “in right of the State of Western Australia” (twice occurring).

14.12 Form No. 10:

Omit:

“In witness whereof the Minister has affixed his seal and set his hand hereto thisday of19.....”,

substitute:

“Signed by the Minister on behalf of the Commonwealth
on _____”.

PART 4—AMENDMENTS OF THE MINES SAFETY AND INSPECTION ACT 1994 (W.A.) (C.I.)

15. Amendment

15.1 The *Mines Safety and Inspection Act 1994* (W.A.) (C.I.) is amended as set out in this Part.

16. Section 4 (Interpretation)

16.1 Definition of “Electoral Commissioner”:

Omit the definition.

17. Section 19 (Employee's inspectors)

17.1 Omit the section, substitute:

Employee's inspector

“19. A person appointed, under section 19 of the *Mines Safety and Inspection Act 1994* of Western Australia, as an employee’s inspector is an employee’s inspector for the Territory.”.

18. Section 55 (Consultation on election matters)

18.1 Subsection 55 (5):

Omit the subsection.

**PART 5—AMENDMENTS OF THE MINES SAFETY AND
INSPECTION REGULATIONS 1995 (W.A.) (C.I.)**

19. Amendment

19.1 The Mines Safety and Inspection Regulations 1995 (W.A.) (C.I.) are amended as set out in this Part.

20. Regulation 2.3 (Election of employee's inspectors)

20.1 Omit the regulation.

21. Regulation 2.46 (Meetings)

21.1 After subregulation 2.46 (6), insert:

“(6A) If:

- (a) the Minister has delegated a power to the chairperson;
and
- (b) the power is one that must be exercised on the basis of
advice from the Board; and
- (c) the exercise of the power is required in a matter in which
the chairperson has an interest;

the chairperson must declare that interest at any meeting at which the
matter is being considered.”.

22. Schedule 1 (Election of employee's inspectors)

22.1 Omit the Schedule.

NOTE

1. Notified in the *Commonwealth of Australia Gazette* on 24 December 1996.