

Warden found that the action in ejectment could lie as against the Mineral Claims but not the Exploration Licence.

'AROUND THE PITS'

The Department of Mines & Energy has entered into a full scale review of the 1980 Mining Act. Discussions with the industry have commenced and an amending Act may be introduced before the end of the year. Reportedly overheard at the opening of the Dominion Gold's Cosmo Howley Mine: 'A small mining company is one which only employs three lawyers.'

* Peter Walker, N.T. Service Information Reporter
(The assistance of Colin McDonald and Steve Southwood is gratefully acknowledged.)

TASMANIA

LEGISLATION

The Mount Lyell Mining and Railway Company Limited (Continuation of Operations) Act 1987 came into effect in April and authorises the Treasurer to issue out of the Consolidated Fund amounts to be paid to Renison Limited for the purpose of ensuring the deferral of closure of the Mount Lyell Mine.

Statutory Rules Amended in 1987

Mines Inspection Act 1968 — Mines Inspection (Employees Safety Representatives) Regulations 1987. These provide the manner of appointing employees' safety representatives under s. 41A of the Act, and define the functions of those representatives and the obligations of owners, agents and managers in relation to them.

Mines Inspection Amendment Act 1986. A proclamation under s. 2 fixes 1-2-1987 as the day of commencement of the Mines Inspection Amendment Act of 1986. This Act makes provision for the election of an employees' safety representative in a work place which employs 10 or more employees.

Mining Act 1929 — Mining Amendment Regulations 1987. These prescribe a location fee for applications for mining leases, water licences, easement licences and licences to mine.

MINISTERIAL ANNOUNCEMENTS

A report on the mineral exploration potential of S.W. Tasmania was prepared by the University of Tasmania and released on 28-7-1987. This signalled the start of a campaign against conservation moves to have the area protected under the World Heritage status. The report said that Western Tasmania had an international reputation as one of the major mineral provinces of the world. The total value of the discovered resources in the region exceeds \$31 billion with the same potential existing in the rugged South West wilderness areas.

On 16-8-1987 the Premier, Mr Gray, announced details of new measures to ensure the State as a whole obtained increased benefits from major new mining development. The Hellyer agreement signed on 17-8-1987 was the first to be negotiated under the new arrangements. Under the new policy individual royalty agreements will be negotiated for each major new project in full consultation with the mining company involved.

In Hellyer's case a two tier royalty structure had been agreed. The first tier royalties will be paid at a fixed percentage of the value of the ore. The second tier royalties will be profit related. The company is to get a secure lease over the resource for the life of the mine. The Hellyer agreement also sets out a time table for the completion of feasibility studies and the final decision to develop the mine and establish the new mill. The company must prepare an environmental impact statement and an environmental management plan. Legislation to ratify the agreement will be introduced in the budget session of Parliament.

WARDEN'S COURT DECISION

W.T. McDonald v. D.E. Johnson. This was an application for the forfeiture of a mining lease because of the alleged breach of the labour covenant contained in the lease. The labour covenant in the lease stated:

- To employ continuously in relation to the land demised, one man for each four hectares or part of four hectares for 40 hours per week in each period of twelve months in the said term, provided that:
- (a) Subject to the regulations any work done by the lessee or by attributor as provided by Section 46 of the Act, shall be deemed to be an employment of labour as provided by that section; and
 - (b) Where the lessee uses steam power, water power, electric power, or other power or horses for driving or procuring machinery, each ten units of horse power for each horse so used shall be deemed to be equivalent to the employment of one man.

The area of land included in the lease was 84 hectares so that the requirement was to employ 21 men continuously throughout the year. It appeared that 2, 3 or perhaps 4 men had been employed and the question arose whether or not the alternative in the shape of horse power had been employed. The Warden

was quite satisfied that the required amount of machinery was not used or available in order to comply with the labour covenant and to make up for the lack of man power. The lessee was found to have committed a breach of the labour covenants. The Warden exercised his discretion under s. 57 of the Mining Act 1929 to effect the forfeiture of the lease.

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NEW SOUTH WALES*

AMENDMENTS TO COAL MINING REGULATIONS AND MINING REGULATIONS

Reg. 4 of the Coal Mining Regs. 1974 and reg. 6 of the Mining Regs. 1974, listing 'mining purposes', have been amended. Sub-reg. 4(3) of the Coal Mining Regs. and sub-reg. 6(d) of the Mining Regs. have been amended by the insertion of the word 'overburden'. Additional 'mining purposes' have been inserted in reg. 4 of the Coal Mining Regs. and reg. 6 of the Mining Regs., covering work for sewage treatment, environmental screens or barriers, erosion or pollution control, and environmental monitoring equipment. Reg. 4 of the Coal Mining Regs. has been further amended by the addition to the list of 'mining purposes' of a purpose connected with or incidental to a purpose specified in sub-reg. (1), (4) or (6). (Government Gazette No 136, 28-8-1987, pp 4973-4)

CLEAN WATERS (PENALTY NOTICES) AMENDMENT ACT 1987

The Clean Waters (Penalty Notices) Amendment Act 1987, providing for the issuing of penalty notices for offences under the Clean Waters Act, 1970 (NSW), was assented to on 16-6-1987 and will commence on a date to be proclaimed.

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WESTERN AUSTRALIA*

LEGISLATION

Mining Act Amendment Act 1985

The unproclaimed sections of this Act (for details see Vol 6(2) *AMPLA Bulletin*, 51) have still not been proclaimed. However, except for the amendments to s. 119, they are expected to be proclaimed on 16 October 1987.

Mining Act and Regulations

The good news is that the Mining Act and Regulations are currently being consolidated with all amendments and will be available in consolidated form before Christmas 1987.

In the interim, the following is the position:

Mining Act 1978-1981, proclaimed to operate from 1 January 1982; as amended by:

Act 10/1982 — Companies (Consequential Amendments) Act
Act 122/1982 — Acts Amendment (Mining) Act
Mining (Anomalies Prevention) Order 1981
Mining (Anomalies Prevention) Order 1982
Act 52/1983 — Mining Amendment Act 1983
Act 100/1985 — Mining Amendment Act 1985 (not all sections proclaimed — see above)
Act 1/1986 — Mining (Validation and Amendment) Act 1986
Act 105/1986 — Mining Amendment Act 1986
Mining (Transitional Provisions) (Anomalies Prevention) Order 1987
Act 12/1987 — Mining Amendment Act 1987

Mining Act Regulations 1981; as amended by:

Mining Amendment Regulations 1982, Government Gazette 6-8-1982
Mining Amendment Regulations (No 2) 1982, Government Gazette 12-11-1982
Mining Amendment Regulations 1983, Government Gazette 23-12-1983
Mining Amendment Regulations 1984, Government Gazette 16-3-1984
Mining Amendment Regulations (No 2) 1984, Government Gazette 15-6-1984
Mining Amendment Regulations 1986, Government Gazette 20-6-1986
Mining Amendment Regulations 1987, Government Gazette 26-6-1987