

MINING.

6° Elizabeth II., No. LX.

No. 60 of 1957.

AN ACT to amend the Mining Act, 1904-1955.

[Assented to 6th December, 1957.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title
and citation.

1. (1) This Act may be cited as the *Mining Act Amendment Act, 1957*.

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Reprinted
Acts as
approved for
reprint,
3rd June,
1953.

(2) In this Act, the Mining Act, 1904-1955,

Act No. 15 of 1904 as reprinted with amendments to and including Act No. 33 of 1952 and as further amended by Act No. 16 of 1955,

is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Mining Act, 1904-1957.

2. Section one of the principal Act is amended by adding after the figures, "116" in line seventeen, the heading—

S. 1
amended.

PART VA.—ROYALTIES PAYABLE IN RESPECT
OF CERTAIN MINERALS AND PRECIOUS
STONES, s. 116A.

3. Section three of the principal Act is amended by deleting the passage, "stratified ironstone," from line one of the interpretation, "Coal".

S. 3
amended.

4. The principal Act is amended by adding after the word, "right" being the last word in section one hundred and sixteen, the following part—

Part VA.
added.

PART VA.—ROYALTIES PAYABLE IN RESPECT OF
CERTAIN MINERALS AND PRECIOUS STONES.

116A. (1) In this section—

Royalties.

"minerals"

(a) includes stratified iron; but

(b) does not include

Cf. ss. 57
and 58.

(i) gold whether associated or
combined, or not associ-
ated or combined, with
any other mineral; or

(ii) coal.

Cf. ss. 3, 55
and 56.

(2) The Governor

(a) may by regulation prescribe how, by whom, and at what rate, or differentiating rates, royalties shall be paid in respect of minerals and precious stones, or any class of minerals or precious

stones, obtained from land which is comprised in a mining lease, or in any other form of tenure granted under this Act, or from land which is the subject of an application made under this Act for a grant under this Act of a mining lease or other form of tenure; and

Cf. No. 30 of 1918, s. 4.
"This Act" includes regulations.

- (b) may by regulation 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.

(3) The power conferred by subsection (2) of this section is in addition to, and not in derogation of, any other regulation-making power conferred by this Act, but is not exercisable so as to prejudice or otherwise affect the provisions of sections fifty-five to fifty-eight inclusive of this Act.

Cf. ss. 55-58.

S. 122 amended.

5. Section one hundred and twenty-two of the principal Act is amended by substituting for paragraph (a) the following paragraph:—

- (a) By payment of such sum as represents the percentage specified in the agreement of so much of the gross amount realised by the sale of gold extracted from ore produced and delivered by the tributers pursuant to the agreement, as remains after payment of the expenses incurred in the treatment of the ore and in the realisation by sale of the gold, but so that whatever the price realised in fact by the sale of the gold, that price shall be deemed to be the price for gold as fixed by the Commonwealth Bank of Australia as at the time of the sale.

6. Section two hundred and seventy-seven of the principal Act is repealed and re-enacted with amendments as follows:—

S. 277
repealed and
re-enacted
with amend-
ments.

277. (1) In this section—

Special
provisions
relating to
grants of
rights of
occupancy
under s. 276.

“deep alluvial gold” means alluvial gold below a depth of thirty feet from the natural surface of the ground.

(2) A right of occupancy granted under the preceding section for the purpose of prospecting for gold, other than for deep alluvial gold, shall not exceed three hundred acres in area.

(3) A right of occupancy may be granted for a fixed period in excess of one year, but in that event the Minister shall cause the terms and conditions relating thereto to be laid on the Table of each House of Parliament within fourteen days of the granting.

(4) A right of occupancy granted for any fixed period may be reviewed from time to time for any term not exceeding twelve months on each occasion of renewal, but if any such renewal is granted then the provisions of subsection (3) of this section shall apply, and the terms and conditions of such renewal shall be tabled in each House of Parliament accordingly.

(5) The provisions of section thirty-six of the Interpretation Act, 1918, relating to the disallowance of regulations by either House shall apply to all intents and purposes as if the terms and conditions of the right of occupancy as tabled under this section were regulations tabled under that section.