

MINING (No. 2).

23° GEO. V., No. XLV.

No. 45 of 1932.**AN ACT to amend section one hundred and eleven of the Mining Act, 1904.**

[Assented to 30th December, 1932.]

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

Short title.

1. This Act may be cited as the *Mining Act Amendment Act (No. 2)*, 1932, and shall be read as one with the Mining Act, 1904, as reprinted in the Appendix to the Sessional Volume of the Statutes for the year 1926, hereinafter referred to as the principal Act.

Amendment of s.
111.

2. Section one hundred and eleven of the principal Act is amended, as follows:—

(a) By inserting after the word "lease" in line one the words "mining tenement or other holding held under the authority of this Act or of any Act hereby repealed," and by inserting after the word "lessee" in line three the words "or holder."

(b) By adding to the said section a subsection, as follows:—

(2.) Where at the commencement of this subsection any tailings or other mining material are lying upon any lands of the Crown, whether formerly comprised in a mining tenement or not, or are lying upon any land which prior to the commencement of this subsection, and whether prior

to or after the commencement of this Act, had been comprised in any mining lease, mining tenement, or other holding held under the authority of this Act or of any Act hereby repealed, and such mining lease, mining tenement, or other holding had been surrendered or had expired or had been forfeited or declared void on a day, either before or after the commencement of this Act, but not less than six months prior to the commencement of this subsection, then, notwithstanding anything to the contrary contained in this Act or in any other Act, and except as hereinafter provided, the said tailings or other mining material shall, on the commencement of this subsection, be deemed to have become and shall remain the absolute property of the Crown free from all encumbrances:

Provided that this subsection shall not apply to any tailings or other mining material lying upon the land comprised in a mining tenement if any extended time has been granted under subsection one of this section to the lessee or holder thereof for the removal or treatment of such tailings or other mining material and such time has not expired at the commencement of this subsection.