

Western Australia

## **Mining Amendment Act 2005**

---

As at 12 Dec 2005

No. 27 of 2005

Extract from [www.slp.wa.gov.au](http://www.slp.wa.gov.au), see that website for further information



Western Australia

## **Mining Amendment Act 2005**

---

### CONTENTS

---

1.	Short title	1
2.	Commencement	2
3.	The Act amended	2
4.	Section 8 amended	2
5.	Section 43 amended	2
6.	Section 56A amended	3
7.	Section 57 amended	4
8.	Section 63A amended	4
9.	Section 65 amended	4
10.	Section 70 amended	4
11.	Section 120AA amended	5



Western Australia

## **Mining Amendment Act 2005**

---

**No. 27 of 2005**

---

**An Act to amend the *Mining Act 1978*.**

*[Assented to 12 December 2005]*

The Parliament of Western Australia enacts as follows:

**1. Short title**

This is the *Mining Amendment Act 2005*.

**2. Commencement**

- (1) Except as stated in subsections (2), (3), (4) and (5), this Act comes into operation on a day fixed by proclamation.
- (2) Section 5 comes into operation immediately after section 4 of the *Mining Amendment Act 2004* comes into operation.
- (3) Section 8 comes into operation immediately after section 89 of the *Mining Amendment Act 2004* comes into operation.
- (4) Section 9 comes into operation immediately after section 16 of the *Mining Amendment Act 2004* comes into operation.
- (5) Section 11 comes into operation immediately after section 99 of the *Mining Amendment Act 2004* comes into operation.

**3. The Act amended**

The amendments in this Act are to the *Mining Act 1978*\*.

[\* *Reprinted as at 7 September 2001.*

*For subsequent amendments see Western Australian  
Legislation Information Tables for 2004, Table 1, p. 294-5.]*

**4. Section 8 amended**

Section 8(1) is amended by inserting in the appropriate alphabetical position —

“

“**reversion licence application**” means a reversion licence application authorised by an order under section 120AA(2);

”.

**5. Section 43 amended**

Section 43(2) is amended as follows:

- (a) by inserting after “special prospecting licence” —

- “ granted ”;
- (b) by inserting after “section 56A” —  
“ , 70 or 85B ”;
- (c) by inserting after “section 56B” —  
“ or a reversion licence application ”.

**6. Section 56A amended**

- (1) Section 56A(1)(b) is amended by inserting after “case,” —  
“ unless subsection (1aa) applies, ”.
- (2) After section 56A(1) the following subsection is inserted —  
“  
(1aa) If the primary tenement was granted as a result of an application under section 56B or a reversion licence application, a special prospecting licence may be marked out and applied for at any time after the date on which the primary tenement was granted.  
”.
- (3) Section 56A(12) is amended as follows:
- (a) after paragraph (a) by deleting “or”;
- (b) by deleting “special prospecting licence.” at the end of paragraph (b) and inserting instead —  
“  
application for a special prospecting licence or the special prospecting licence, as the case requires;
- (c) prior to the surrender, forfeiture or expiry of the primary tenement the holder of the primary tenement makes an application under section 56B and a prospecting licence is granted as a result of that application in respect of any land the subject of the application for a

**s. 7**

---

- special prospecting licence or the special prospecting licence, as the case requires; or
- (d) prior to the surrender, forfeiture or expiry of the primary tenement the holder of the primary tenement makes a reversion licence application and a prospecting licence or an exploration licence is granted as a result of that application in respect of any land the subject of the application for a special prospecting licence or the special prospecting licence, as the case requires.

”.

**7. Section 57 amended**

After section 57(2e) the following subsection is inserted —

“

- (2ea) Where the application for the exploration licence is a reversion licence application, the reference in subsection (2e) to a current mining tenement does not include a continuing licence as defined in section 120AA(1).

”.

**8. Section 63A amended**

Section 63A(aa) is amended by inserting a comma after “60(1a)”.

**9. Section 65 amended**

Section 65(1) is amended in paragraph (b) of the definition of “surrender day” by deleting “(3c)” and inserting instead —

“ (3d) ”.

**10. Section 70 amended**

- (1) Section 70(1)(b) is amended by inserting after “case,” —



“ unless subsection (1aa) applies, ”.

(2) After section 70(1) the following subsection is inserted —

“

(1aa) If the primary tenement was granted as a result of a reversion licence application, a special prospecting licence may be marked out and applied for at any time after the date on which the primary tenement was granted.

”.

(3) Section 70(12) is amended as follows:

- (a) after paragraph (a) by deleting “or”;
- (b) by deleting “special prospecting licence.” at the end of paragraph (b) and inserting instead —

“

application for a special prospecting licence or the special prospecting licence, as the case requires; or

- (c) prior to the surrender, forfeiture or expiry of the primary tenement the holder of the primary tenement makes a reversion licence application and a prospecting licence or an exploration licence is granted as a result of that application in respect of any land the subject of the application for a special prospecting licence or the special prospecting licence, as the case requires.

”.

## **11. Section 120AA amended**

(1) Section 120AA(1) is amended as follows:

- (a) by deleting the definitions of “amending Act” and “reversion licence application”;

s. 11

---

- (b) by deleting the definition of “continued licence” and inserting instead —

“

“**continuing licence**” means a prospecting licence, exploration licence or retention licence that has effect in relation to land to which a reversion licence application applies;

”;

- (c) by deleting the semicolon at the end of the definition of “lease application” and inserting a full stop instead.

- (2) Section 120AA(2) is amended by deleting “reversion licence applications” and inserting instead —

“

applications for a prospecting licence or an exploration licence

”.

- (3) Section 120AA(3)(b)(ii) is amended by deleting “continued” and inserting instead —

“ continuing ”.

- (4) After section 120AA(7) the following subsections are inserted —

“

(8) An order under subsection (2) has effect despite any other provision of this Act.

(9) Despite sections 18, 23 and 27, a reversion licence application may be made in respect of land that is the subject of a mining tenement if the mining tenement is a continuing licence held by the applicant.

- (10) Section 40(1)(b) or (c) of the *Mining Amendment Act 1990* does not apply if the land that has become

available from an existing licence, as defined in section 40(3) of that Act, has been included in a reversion licence application and a prospecting licence is granted in respect of that application.

”.

=====