

Western Australia

**Mining Legislation Amendment and Validation
Act 2008**

As at 19 May 2008

No. 19 of 2008

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Mining Legislation Amendment and Validation Act 2008

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Mining Legislation Amendment and Validation Act 2008

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An Act to —

- **amend the *Mining Amendment Act 2004*; and**
- **validate the extension of the term of certain exploration licences under the *Mining Act 1978*; and**
- **validate the grant of certain miscellaneous licences under that Act, and to make related provisions.**

[Assented to 19 May 2008]

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. Short title

This is the *Mining Legislation Amendment and Validation Act 2008*.

2. Commencement

This Act comes into operation as follows:

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent (“**assent day**”);
- (b) section 3 and Part 2 — on the day after assent day;
- (c) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

3. Terms used in this Act

- (1) In this Act, unless the contrary intention appears —
“**miscellaneous licence**” means a miscellaneous licence under the *Mining Act 1978*;
“**relevant licence**” has the meaning given to that term in the *Mining Amendment Act 2004* section 19(1).
- (2) If a term used in this Act is given a meaning in the *Mining Act 1978* section 8, the term has the same meaning in this Act.

Part 2 — Provisions relating to exploration licences

Division 1 — *Mining Amendment Act 2004* amended

4. The Act amended

The amendments in this Division are to the *Mining Amendment Act 2004*.

5. Section 19 amended

(1) Section 19(2) is amended as follows:

(a) by inserting after “sections” —

“ 61(3), ”;

(b) by inserting after “65(1a)” —

“ , 65(1c) ”.

(2) After section 19(2) the following subsection is inserted —

“

(2a) Section 61(3) and (3a) of the *Mining Act 1978* apply to and in relation to an application for the extension of the term of a relevant licence.

”.

(3) After section 19(6) the following subsection is inserted —

“

(7) Despite the amendments made by section 16, section 65(1c) of the old provisions continues to apply to and in relation to a relevant licence as if section 65(1c)(b) were replaced by the following paragraph —

“

(b) shall be lodged at an office of the Department on or before the last day of the third or fourth year, as the case requires, of the term for which it is lodged;

”.

”.

Division 2 — Validation and pending applications

6. Validation of extension of term of certain exploration licences

If, before the day on which this section comes into operation, the term of a relevant licence was extended as a result of an application lodged at an office of the Department —

- (a) the extension of the term of the licence; and
- (b) anything done or purportedly done under the licence, or in relation to the licence, after the extension,

are taken to be, and always to have been, as valid and effective as they would have been if the application had been lodged at the office of the mining registrar.

7. Pending applications for extension of term

If —

- (a) an application for the extension of the term of a relevant licence has been lodged at an office of the Department; and
- (b) the application has not been determined before the day on which this section comes into operation,

the application is to be dealt with and determined as if it had been lodged at the office of the mining registrar.

Part 3 — Provisions relating to miscellaneous licences

8. Validation of grant of certain miscellaneous licences

If, before the day on which this section comes into operation, a miscellaneous licence was granted for a purpose approved or specified by the Director General of Mines —

- (a) the grant of the licence; and
- (b) anything done or purportedly done under the licence or in relation to the licence,

are taken to be, and always to have been, as valid and effective as they would have been if the purpose so approved or specified had been prescribed for the purposes of the *Mining Act 1978* section 91(1) at the time of the grant.

9. Pending applications for miscellaneous licence

If —

- (a) an application has been made for a miscellaneous licence for a purpose approved or specified by the Director General of Mines; and
- (b) the application has not been determined before the day on which this section comes into operation,

the application is to be dealt with and determined as if, on and from the time the application was made, the purpose so approved or specified were prescribed for the purposes of the *Mining Act 1978* section 91(1).

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