

ACTS AMENDMENT (MINING TENEMENTS) (RATING).

No. 25 of 1984.

AN ACT to amend the Local Government Act 1960-1983 and the Valuation of Land Act 1978-1981 in relation to the rating of land in respect of which persons hold mining tenements.

[Assented to 31 May 1984.]

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:—

PART I—PRELIMINARY.

1. This Act may be cited as the *Acts Amendment (Mining Tenements) (Rating) Act 1984*. Short title.

Commence-
ment.

2. (1) Subject to subsection (2) of this section, this Act shall come into operation on the day on which it is assented to by the Governor.

(2) Section 5 (1) of this Act shall be deemed to have come into operation on 1 January 1982.

Application.

3. Nothing in this Act other than section 5 (1) has effect in relation to any rate in respect of a rating period that commenced before the day on which this Act is assented to by the Governor.

PART II—LOCAL GOVERNMENT ACT 1960-1983.

Principal Act.
Reprinted
as approved
24 June 1983
and amended
by Act No. 6
of 1983.

4. (1) In this Part the Local Government Act 1960-1984 is referred to as the principal Act.

(2) The principal Act as amended by this Act may be cited as the Local Government Act 1960-1984.

Section 6
amended.

5. (1) Section 6 of the principal Act is amended in subsection (1) by deleting paragraph (e) of the definition of "owner" and substituting the following paragraph—

“ (e) where a person is in the actual occupation, with or without title, of the surface of any portion of—

(i) a mining tenement according to the interpretation given to that expression by section 3 of the Mining Act 1904, that is continued in force by the Mining Act 1978; or

(ii) a mining tenement according to the interpretation given to that expression by section 8 of the Mining Act 1978,

means the person so in occupation; ”.

(2) Section 6 of the principal Act is amended in subsection (1) by deleting paragraph (e) of the definition of “owner” as substituted by subsection (1) of this section and substituting the following paragraph—

“ (e) means a person who—

- (i) under the Mining Act 1978, holds in respect of the land a mining tenement within the meaning given to that expression by that Act; or
- (ii) in accordance with the Mining Act 1978 holds, occupies, uses, or enjoys in respect of the land a mining tenement within the meaning given to that expression by the Mining Act 1904; ”.

6. Section 531A of the principal Act is amended by inserting before the definition of “farm land” the following definition—

Section 531A amended.

“ “exempt mining tenement” means a prospecting licence held under the Mining Act 1978 in respect of land the area of which does not exceed 10 hectares or a miscellaneous licence held under that Act; ”.

7. Section 532 of the principal Act is amended in subsection (2) by deleting “except where and to the extent and manner in which a person mentioned in paragraph (e), (f), or (g), of the interpretation, “owner” in section six occupies, or makes use of the land” in paragraph (b) and substituting the following—

Section 532 amended.

“ except—

- (i) where any person is, under paragraph (e) of the definition of “owner” in section 6,

the owner of the land other than by reason of his being the holder of an exempt mining tenement; or

- (ii) where and to the extent and manner in which a person mentioned in paragraph (f) or (g) of the interpretation "owner" in section 6 occupies or makes use of the land ".

PART III—VALUATION OF LAND ACT 1978-1981.

Principal Act.
Reprinted
as approved
2 February
1983.

8. (1) In this Part the Valuation of Land Act 1978-1981 is referred to as the principal Act.

(2) The principal Act as amended by this Act may be cited as the Valuation of Land Act 1978-1984.

Section 4
amended.

9. Section 4 of the principal Act is amended in subsection (1) by deleting subparagraphs (ii) and (iii) of paragraph (b) of the definition of "unimproved value" and substituting the following subparagraphs—

“ (ii) land in respect of which—

(I) an exploration licence is held under the Mining Act 1978—the value thereof is an amount equal to \$0.25, or such other amount as may be prescribed, for every hectare of the land or part thereof;

(II) a prospecting licence is held under the Mining Act 1978—the value thereof is an amount equal to \$2.50, or such other amount as may be prescribed, for every hectare of the land or part thereof;

- (III) a mining lease or general purpose lease is held under the Mining Act 1978—the value thereof is, subject to subparagraph (iii) of this paragraph, an amount equal to \$25, or such other amount as may be prescribed, for every hectare of the land or part thereof;
- (iii) land that was, under the Mining Act 1904—
- (I) held under a coal mining lease that is by clause 2 of the Second Schedule to the Mining Act 1978, deemed to be a mining lease granted and remaining in force under the Mining Act 1978—the value thereof is an amount equal to \$12.50 for every hectare of the land or part thereof;
- (II) held under a lease, other than a coal mining lease or a miner's homestead lease, or occupied, other than as a business area or a market garden area, which lease is, or where the authority to occupy or right of occupancy is, by the Mining Act 1978, continued in force for the time being or deemed to be a mining lease granted and remaining in force under that Act—the value thereof is an amount equal to \$25 for every hectare of the land or part thereof; ”.
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