

MINING.

No. 15 of 1981.

AN ACT to amend the Mining Act 1904 so as to validate long standing practice concerning the grant of mining tenements in temporary reserves and for connected purposes; and to make provision for the continuation of miners' rights upon the repeal and replacement of the Mining Act 1904.

[Assented to 22 May 1981.]

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:—

1. (1) This Act may be cited as the *Mining Amendment Act 1981*.

Short title
and
citation.

(2) In this Act the Mining Act 1904-1979 is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Mining Act 1904-1981.

Section 277B
inserted.

2. After section 277A of the principal Act, the following section is inserted—

Validation.

“ 277B. (1) A mining tenement granted or registered, before or after the coming into operation of the Mining Amendment Act 1981, shall be deemed not to be nor at any time to have been invalid by reason only that at or before the time of the grant or registration the relevant land was temporarily reserved under section 276 of this Act.

(2) An application for the grant or registration of a mining tenement, whether made before or after the coming into operation of the Mining Amendment Act 1981, shall be deemed not to be nor to have been incompetent by reason only that the tenement was occupied and marked off in accordance with this Act and the regulations on land all or part of which was at the relevant time temporarily reserved under section 276 of this Act.

(3) The occupation and marking off of land temporarily reserved under section 276 of this Act shall not confer nor be deemed at any time to have conferred a right other than that of marking off until that land has been made the subject of an application for the grant or registration of a mining tenement and that application has been granted or registered. ”

Continuation
of miners'
rights.

3. (1) A miner's right issued under section 22 of the Mining Act 1904 and in force immediately before the repeal of that Act by the Mining Act 1978 shall, notwithstanding such repeal, continue in force and have effect in all respects as if it were issued under section 20 of the Mining Act 1978.

(2) Subsection (1) of this section shall not be construed so as to derogate in any way from sections 15 and 16 of the Interpretation Act 1918.

(3) A miner's right issued under the Mining Act 1904 before 8 December 1978 shall be deemed to have been valid and in force until the date of expiry expressed thereon.

(4) Subsection (3) of this section shall not be construed so as to derogate in any way from the effect of the Mining Act Amendment Clause 1978 as set out in Clause 3 of the Second Schedule to the Mining Act 1978. .
