

MINING.

No. 2 of 1971.

AN ACT to amend the Mining Act, 1904-1970.

[Assented to 20th August, 1971.]

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 Act Amendment Act, 1971*. Short title and citation.

(2) In this Act the Mining Act, 1904-1970, is referred to as the principal Act. Reprinted in Vol. 20 of the Reprinted Acts and amended by Acts Nos. 53 of 1968, 17 of 1969 and 33 of 1970.

(3) The principal Act as amended by this Act may be cited as the Mining Act, 1904-1971.

Amendment
to long title.

2. The long title to the principal Act is amended by adding after the word "Minerals" in line two the words "and for incidental and other purposes".

Section 277A
added.

3. The principal Act is amended by adding after section 277 a section as follows—

Matters
relating to
certain
rights of
occupancy.

277A. (1) Where the Minister certifies in writing to a person to whom a right of occupancy has been granted under this Act before the fifteenth day of August, 1971 in respect of land reserved under section two hundred and seventy-six of this Act, which right was for a purpose of prospecting for iron ore, that such person has failed to satisfy him prior to the expiration of that right of occupancy that payable quantities of iron ore have been discovered on such land, then—

- (a) that person and any transferee, assignee or other person claiming through him is not entitled and is deemed never to have been entitled to negotiate for, or to be offered, any mining tenement over such land or to take up and occupy such land by virtue of a miner's right; and
- (b) all rights, suits, claims, demands and causes of action arising whether before or after the commencement of this section under or in relation to such right of occupancy shall be deemed to have been extinguished on and from the expiration of such right of occupancy,

but a certificate under this subsection shall not be given on or after the thirty-first day of October, 1971.

(2) For the purposes of subsection (1) of this section, but subject to subsection (5) of this section, every right of occupancy granted under this Act before the fifteenth day of August, 1971 and expressed to be granted or renewed

for a period expiring before that date over any land temporarily reserved pursuant to section two hundred and seventy-six of this Act and which was granted for a purpose of prospecting for iron ore, shall be deemed to have expired on the expiration of the period for which it was expressed to have been granted or renewed.

(3) A certificate given by the Minister pursuant to subsection (1) of this section shall not be liable to be challenged, appealed against, reviewed, quashed, or called in question by any court.

(4) Every certificate given under subsection (1) of this section shall be laid on the Table of each House of Parliament within seven sitting days of its being given together with a statement by the Minister of the reasons for the giving of the certificate.

(5) For the purposes of subsection (1) of this section it is hereby declared that each right of occupancy granted over land temporarily reserved pursuant to section two hundred and seventy-six of this Act and specified in the first column of the following Table expired on the date specified opposite thereto in the second column of that Table.

Column One	Column Two
4189H, 4190H, 4191H, 4268H	21st May, 1970
4321H, 4322H, 4323H, 4324H, 4325H, 4503H, 4509H, 4510H, 4511H, 4512H, 4513H, 4514H, 4515H, 4516H, 4517H, 4518H, 4519H	17th September, 1969
4885H, 4886H, 4981H, 4982H, 4983H, 4984H, 4985H, 4986H	16th October, 1970.

(6) Except with the consent in writing of the Minister and notwithstanding that an application has been or is made therefor before or after the commencement of this section, no person is entitled or deemed ever to have been entitled to be granted any mining tenement or to have any other right or claim whatsoever with respect to iron ore over or in any land while it is reserved from occupation pursuant to section two hundred and seventy-six of this Act otherwise than in accordance with the terms and conditions to which an existing right of occupancy granted in relation to such land, is subject.

(7) This section does not apply to or in relation to any land temporarily reserved from occupation under section two hundred and seventy-six of this Act and to which any agreement that has been approved by an Act applies, whether the agreement has been so approved before or after the commencement of this section.

(8) The provisions of this section have effect notwithstanding any other provision of this Act.
