

MINING.

9° and 10° GEO. VI., No. XLVIII.

No. 48 of 1945.

AN ACT to amend section two hundred and seventy-seven of the Mining Act, 1904-1937.

[Assented to 30th January, 1946.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the *Mining Act Amendment Act, 1945*, and shall be read as one with the Mining Act, 1904-1937 (No. 15 of 1904 as reprinted with all amendments up to and including the Act No. 56 of 1937 pursuant to the Amendments Incorporation Act, 1938), hereinafter referred to as the principal Act.

Amendment
of s. 277.

2. Section two hundred and seventy-seven of the principal Act is amended as follows:—

(a) by inserting in subsection (1) after the word "section" in line two of the said subsection the words in brackets as follows:—“(except a right of occupancy granted for the purpose of prospecting for deep alluvial gold pursuant to subsection (1a) of this section).”

(b) by inserting after subsection (1) a new subsection as follows:—

(1a) (a) A right of occupancy not exceeding one hundred square miles in area, the length of which shall not exceed ten miles, may be granted under the preceding section

for the purpose of prospecting for deep alluvial gold but for no other purpose and shall be granted, and be held by the holder thereof, upon and subject to the following provisions:—

- (i) During the term of the right of occupancy bona fide operations with respect to prospecting for deep alluvial gold shall be conducted upon the land comprised in the right of occupancy continuously or during such periods of time as the Minister may approve, and in a manner and according to methods satisfactory to the Minister, and at least once in every month of the term of the right of occupancy the holder thereof shall furnish the Minister with a report in writing containing a detailed statement of the progress of the said operations made during the then last preceding month.
- (ii) The holder of the right of occupancy shall in accordance with the provisions of this Act and the regulations mark off and apply for gold mining leases of land comprised in the right of occupancy when in the opinion of the Minister payable deep alluvial gold has been found in such land, and the Minister by writing under his hand directs the said holder to mark off and apply for such leases.
- (iii) The holder of the right of occupancy shall permit any other person, being the holder of a current miner's right, to enter upon any portion of the land comprised in the right of occupancy for the purpose of prospecting for gold and minerals and of marking off mining tenements for the said purposes in accordance with the provisions of this Act and the regulations.

Provided that no mining tenement applied for by the person prospect-

ing for gold and minerals as aforesaid shall be granted, except upon and subject to such conditions as the Minister, after receipt of the report and recommendation of the Warden following the hearing of the application in the Warden's Court, shall think fit to impose for the purpose of protecting and keeping free from interference the plant and operations of the holder of the right of occupancy upon the land comprised therein.

- (iv) If the holder of the right of occupancy shall in any respect fail duly to observe and comply with any of the provisions aforesaid, the Minister may by notice in writing to such holder cancel and determine the right of occupancy.

(b) For the purposes of this subsection, the expression "deep alluvial gold" means alluvial gold below a depth of thirty feet from the natural surface of the ground.

- (c) By deleting from subsection (2) the words "not exceeding three hundred acres in area" in lines one and two of the said subsection and inserting in lieu thereof the words "pursuant either to subsection (1) or to subsection (1a) of this section."

Citation of
principal Act
as amended.

3. The principal Act as amended by this Act may be cited as the Mining Act, 1904-1945.