

## MINING

24° GEO. V., No. VII.

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No. 7 of 1933.

**AN ACT to amend Part VA of the Mining Act, 1904.**

[Assented to 2nd October, 1933.]

**B**E 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, 1933*, and shall be read as one with the Mining Act, 1904 (as reprinted in the Appendix to the Sessional Volume of the Statutes for the year 1926 and amended by No. 38 of 1932 and No. 45 of 1932), hereinafter referred to as the principal Act.

Amendment  
of s. 145.

2. Section one hundred and forty-five of the principal Act (as amended by No. 38 of 1932) is amended by deleting all the provisos to paragraph (b) of subsection (1).

Amendment  
of s. 145B.

3. Section one hundred and forty-five B of the principal Act (inserted by section 7 of No. 38 of 1932) is amended by inserting after subsection (2) a subsection, as follows:—

(2a.) For the purpose of ascertaining the amount to be charged against a tributer under subsection (1) and subsection (2) of this section, for cost of treatment and cost of realisation, the rates of such costs may be fixed on a sliding scale varying with the value of the gold or

the quantity of gold per ton of ore or otherwise: Provided that—

- (i) the maximum amount payable for cost of treatment and cost of realisation taken together shall not exceed forty shillings per ton of ore treated; and
- (ii) in fixing rates under such scale for cost of treatment, the rates for treatment of ore (not being free milling ore) shall be—
  - (a) in the case of ore assaying not more than ten pennyweights of gold to the ton, such amount, not exceeding fifteen shillings per ton of ore treated, as the lessee or the owner of the treatment plant, as the case may be, shall decide; and
  - (b) in the case of ore assaying more than ten pennyweights of gold to the ton, such amount, not exceeding fifteen shillings and sixpence per ton of ore treated, as the lessee or the owner of the treatment plant, as the case may be, shall decide when the ore treated assays not more than eleven pennyweights to the ton, and, subject to paragraph (i) of this proviso, the said last-mentioned amount as fixed by the lessee or the owner of the treatment plant as aforesaid, together with an additional sum (not exceeding sixpence) for each and every pennyweight of gold to the ton in excess of eleven pennyweights as may be agreed upon by the parties concerned, or, in default of agreement, as may be determined by the State Mining Engineer.

4. Section one hundred and forty-five C of the principal Act (inserted by section 7 of No. 38 of 1932) is amended by adding at the end of subsection (2) a proviso, as follows:—

Amendment  
of s. 145C.

Provided that the tribute agreement shall, in any event, contain two conditions:—(a) that the tributer shall at his own expense deliver the ore to the lessee at the surface of the lessee's mine in which the area comprised in such tribute agreement is situated, and (b) that the lessee shall pay the costs of treatment and realisation.

5. The principal Act as amended by this Act may be cited as the Mining Act, 1904-1933.

Citation of  
principal Act  
as amended.