

MINING.

13^o GEO. V., No. XXXV.

No. 12 of 1923.

AN ACT to amend the Mining Act Amendment Act, 1920.

[Assented to 22nd February, 1923.]

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:—

1. This Act may be cited as the *Mining Act Amendment Act, 1922*, and shall be read as one with the Mining Act Amendment Act, 1920. Short title.

2. (1.) A proviso is added to sub-section (1) of section six in Part II. of the Mining Act Amendment Act, 1920, as follows:— Amendment of sec. 6 of Act No. 50 of 1920.

“Provided that such right shall not extend to Crown lands below the surface of land alienated in fee simple to a limited depth.”

(2.) This amendment shall apply to licenses granted before or after the commencement of this Act.

3. Section seven in Part II. of the Mining Act Amendment Act, 1920, is hereby amended by inserting after the word “evidence,” in subsection (3) thereof, the words “and his report and recommendation thereon.” Amendment of Sec. 7.

4. A section is inserted in Part II. of the Mining Act Amendment Act, 1920, as follows:—

22a. In the event of oil or an indication of the presence of oil being discovered within an area the subject of a license under this Part of this Act by a Power to reward the discoverer of oil on an area of which he is not the licensee.

person other than the licensee or a servant or agent of the licensee, and on such discovery being reported to the Minister, the Minister may in his discretion grant to such discoverer a reward not to exceed one half of the royalty payable by and received from a lessee of the area on which the discovery was made, during a period not exceeding five years.

Provided that in such case the lessee shall recoup the Minister on demand one half of the amount paid from time to time by way of reward to such discoverer.

Provided also that such discretion shall not be exercised, if an agreement in lieu thereof is made between the licensee and the discoverer.

5. A section is inserted in Part II. of the Mining Act Amendment Act, 1920, as follows:—

Royalties.

22b. The royalties payable under leases granted pursuant to this Part of this Act, are hereby determined and prescribed as follows:—

For the first five years of the term of the lease, five per centum of the output of the wells or bores on the demised area, or of the sales of the products of the demised area, as may be determined by the Minister, and for the remainder of the term of the lease, ten per centum of the output of the wells or bores on the demised area, or of the sales of the products of the demised area, as may be determined by the Minister.

6. A section is inserted in Part II. of the Mining Act Amendment Act, 1920, as follows:—

Trespass on oil
basin reserve.

22c. On the publication of a proclamation under section nine reserving to the Crown and excepting from occupation for mining purposes an area of Crown land therein defined, the provisions of the Mining Act, 1904, relating to the authorisation of mining operations on reserved lands shall not apply; and so long as such proclamation continues in force it shall be unlawful for any miner or other person (except a licensee by whom the discovery of mineral oil was made and reported, and as hereinafter provided) to enter on the reserved area for the purpose of pros-

pecting or mining under the Mining Act, 1904, or this Act, or the regulations thereunder ; and it shall not be competent for any miner or other person (except as aforesaid and as hereinafter provided) to acquire any mining rights within the area so reserved.

Penalty : One hundred pounds.

Provided that, with the approval of the Minister, leases may be granted under this Part of this Act within such area subject to the rights of the licensee by whom the discovery of mineral oil was made and of such conditions, including the submission of the right to acquire such leases to public auction or tender, as may be prescribed.

7. A section is inserted in Part II. of the Mining Act Amendment Act, 1920, as follows :—

22d. The exclusive right conferred on a licensee under this Part of this Act to bore and search for mineral oil, and on a lessee to bore and search for and obtain mineral oil, shall extend to bitumen, glance pitch, asphaltum, and other residues or derivatives of petroleum within the area of the license or lease.

Rights of lessees and licensees extended to petroleum residues.

8. Provisos are added to Section 26 in Part III. of “The Mining Act Amendment Act, 1920,” as follows :—

Amendment of section 26.

Provided that where several tribute agreements are made in respect of the same mine, the period for which any subsequent agreement is granted may, with the approval of the Warden, be less than six months if necessary to enable the respective terms of the several agreements to expire at the same time.

Provided also that a tribute agreement may (with the approval of the Warden) be varied by a subsequent agreement as regards the land to be let by amendment of the defined boundaries thereof, or the addition or substitution of other ground, whether contiguous or not, to or for the ground as originally defined ; and such variation may have effect for the residue of the period for which the original agreement is operative, or any renewal thereof.

9. A section is inserted in Part IV. of the Mining Act Amendment Act, 1920, as follows :—

Tailings lease.

39. (1) Every lease granted under the principal Act as a tailings lease shall be held under and subject to Division (3) of Part V. of the principal Act relating to mining on Authorised Holdings, and a tailings lease shall be deemed to be an Authorised Holding for the purposes of that Division.

(2) The lessee of any mining lease for mining below the surface of the area comprised in a tailings lease, and any person lawfully claiming under him, may, with the approval of the Warden and subject to the payment of such compensation, if any, and to such conditions as the Warden may think fit to allow or impose, make use of the mining shafts, if any, on the tailings lease.

(3) The Governor may resume from a tailings lease such rights as may have been conferred thereby on the lessee beyond the surface rights, and such other rights as are necessary for and incidental to the use and enjoyment of the demised area as a tailings lease so far as the resumption may be necessary to give effect to this section.

(4) This section shall apply to tailing leases granted before or after the commencement of this Act.

Principal Act to be
reprinted as
amended.

10. All copies of the Mining Act Amendment Act, 1920, to be hereafter printed by the Government Printer, shall be printed as amended by this Act, under the supervision of the Clerk of Parliaments.
