

## MINING ACT—AMENDMENT.

10° GEO. V., No. XV.

No. 27 of 1919.

## AN ACT to amend Part VII. of the Mining Act, 1904.

[Assented to 15th November, 1919.]

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*, 1919, and shall be read as one with the Mining Act, 1904, hereinafter referred to as the principal Act.

Insertion of  
section in  
Part VII.

2. A section is inserted in Part VII. of the principal Act, and shall have effect as follows :—

Drainage of  
mines.

173a. (1.) Whenever in the opinion of the Minister there is an inflow of water to any mine from any other mine, or such an inflow is likely to happen, the Minister may, by his servants and agents, enter upon the last mentioned mine and do all things he may think fit to discharge the water therefrom.

(2.) The Minister may provide plant and machinery for the purpose, and may use the pumping plant and machinery on any mine entered upon as aforesaid, or may by notice to the owner compulsorily acquire such plant and machinery and thereupon the same shall become vested in the Crown :

Provided that such sum shall be paid by the Minister for the rent and depreciation of any plant and machinery so used, or as the value of such plant and machinery if compulsorily acquired, as may be agreed upon between the Minister and the owner

thereof, or, in default of any such agreement, as may be fixed by arbitration.

(3.) All expense incurred by the Minister under this section shall be apportioned between the owners of the several mines benefited by such operations by the withdrawal or the prevention of inflow of water, in proportion to the benefits derived from such operations, and the amounts so apportioned shall be debts due from the owners of the several mines to the Crown. Such apportionment shall be made by the Minister, subject to the right of any owner to have the amounts fixed by arbitration.

(4.) Any owner of a mine may, with the consent in writing of the Minister, by himself his servants and agents, enter upon any other mine in which operations underground have been wholly or partially suspended, and with the like consent do all things that may be deemed necessary to prevent the inflow of water therefrom to his mine, and for such purpose may, with the like consent, use any pumping plant and machinery on the mine so entered upon, subject to the payment to the owner thereof of such sum for rent and depreciation as may be agreed upon, or, in default of agreement, as may be fixed by arbitration.

(5.) Any submission to arbitration under this Act shall be to a single arbitrator to be agreed upon, or, in default of agreement, to be nominated by the Warden of the goldfield in which the mines are situated.

(6.) The arbitrator shall be a mining engineer, or a mine manager of at least five years' standing.

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