

WESTERN AUSTRALIA

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# MINING AMENDMENT ACT

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No. 12 of 1987

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AN ACT to amend sections 61, 65, 88 and 91 of the *Mining Act 1978*.

[Assented to 16 June 1987]

**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:—

## Short title

1. This Act may be cited as the *Mining Amendment Act 1987*.

**Principal Act**

2. In this Act the *Mining Act 1978\** is referred to as the principal Act.

*[\*Reprinted as approved for reprint 11 December 1981 and amended by Acts Nos. 10 and 122 of 1982, 52 of 1983, 100 of 1985 as amended by 105 of 1986, and 1, 77 and 105 of 1986 and by Orders published in the Gazettes on 18 December 1981, p. 5274, 16 July 1982 p. 2829, and 15 May 1987, p.p. 2161-2.]*

**Commencement**

3. The provisions of this Act shall come into operation on such day as is, or days as are respectively, fixed by proclamation.

**Section 61 amended**

4. Section 61 of the principal Act is amended—

(a) in subsection (2), by adding after “year” the following—

“ as to the whole or any part of the land the subject of that exploration licence on such terms and conditions as he thinks fit ”; and

(b) in subsection (3), by adding after “registrar” the following—

“ and where the term of the exploration licence would but for this subsection expire, that licence shall continue in force in respect to the land the subject of the application until the application for the extension of the term is determined ”.

**Section 65 amended****5. Section 65 of the principal Act is amended—**

- (a) by repealing subsection (1a) and substituting the following subsections—

“ (1a) Where, at least one month before the end of that year of the term when the land to which the application relates is by this section required to be surrendered, or within such shorter period as the Minister may allow, the holder of an exploration licence—

(a) who is a person authorized by the Minister under section 111 to explore for iron on that land; or

(b) who satisfies the Minister that by reason of difficulties or delays—

(i) occasioned by law;

(ii) arising from administrative, political, environmental or other requirements of governmental or other authorities, in the State or elsewhere; or

(iii) in obtaining requisite consents or approvals for exploration or for the marking out of a mining lease or general purpose lease in relation to any part of the land,

his exploration programme, or the marking out and application appropriate to a mining lease or general purpose lease in relation to the land, could not be undertaken or completed or is restricted in a manner that is, or is subject to conditions that are, for the time being impracticable,

applies in writing to the Minister for relief from the obligation to surrender land the Minister may exempt that holder from the requirements of this section, either wholly or in part, on such terms or conditions as he thinks fit.

(1b) Where any application is made under subsection (1a), the requirements of subsection (1) as to surrender and of subsection (3) as to notification shall in respect to the land the subject of the application be deferred until the application is determined, but in so far as in respect to any land to which the application relates no exemption is granted those requirements shall have effect in relation to the land to which an exemption does not apply as though

the year of the term for which the licence was granted expired on a date 2 months after the date on which the notification of the determination of the application was given by the Minister to the holder. ”;

- (b) in subsection (3), by deleting “The” and substituting the following—

“ Subject to subsection (1b), the ”; and

- (c) in subsection (4), by inserting after “subsection (1)” the following—

“ or (1b) ”.

### **Section 88 amended**

6. Section 88 of the principal Act is amended by adding the following subsection—

“ (3) Where an application for a renewal of a general purpose lease is made in respect of any land and the term of that lease would but for this subsection expire, that lease shall continue in force in respect to the land the subject of that application until the application for a renewal is determined. ”.

### **Section 91 amended**

7. Section 91 of the principal Act is amended by inserting after subsection (2) the following subsection—

“ (2a) Where an application for the renewal of a licence under this Division is made before the expiry of that licence, the licence sought to be renewed continues, subject to this Act, to remain in force until the application for renewal is finally disposed of. ”.

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