

MINING TENEMENTS (WAR TIME EXEMPTIONS).

6° GEO. VI., No. IV.

No. 4 of 1942.

AN ACT to authorise the granting of certain exemptions in relation to mining tenements during a time of war.

[Assented to 28th October, 1942.]

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 Tenements (War Time Exemptions) Act, 1942.*

Act to be read in conjunction with Mining Act, 1904-1937.

2. This Act shall be read in conjunction with the Mining Act, 1904-1937, hereinafter referred to as the principal Act.

Interpretation.

3. In this Act, unless the context otherwise requires—

“Minister” means the Minister of the Crown charged with the administration of the principal Act.

“Mining tenement” includes every kind of lease, a claim, a prospecting area, and every other kind of tenement or holding granted and held under the provisions of the principal Act.

“Time of war” means the period during which the Commonwealth is engaged in a war in which His Majesty is engaged, and the period of six months next following the termination of such war.

4. (1) During a time of war, and notwithstanding anything to the contrary contained in the principal Act, the Governor, on the recommendation of the Minister, may at any time and from time to time by proclamation direct in relation to any particular mining tenement or any class or classes of mining tenement specified in the proclamation that during such time of war or any such shorter period as shall be stated in the proclamation:—

Authority to grant certain exemptions.

- (a) the payment of the rent prescribed and payable under the principal Act shall be waived or postponed, and in either case, either wholly or as to a specified part thereof;
- (b) the holder of any mining tenement to which the proclamation relates shall be exempt from his obligation under the principal Act to observe, comply with, or perform any conditions specified in the proclamation (including the conditions relating to the working of the mining tenement) which but for this section he would be required to observe, comply with, or perform under and in accordance with the provisions of the principal Act.

(2) The Governor may at any time, on the recommendation of the Minister, by a subsequent proclamation revoke any proclamation previously issued under subsection (1) of this section.

(3) Whenever a proclamation is issued under subsection (1) hereof and while it remains in force, the Minister shall cause effect to be given to the provisions of such proclamation, according to the tenor thereof.

5. (1) Whenever by a proclamation issued under subsection (1) of section four of this Act payment of the rent or of any portion of the rent is waived, the holder for the time being or from time to time of the mining tenement affected shall be discharged from his obligation to pay the rent or the portion of the rent so waived during the period specified in the proclamation.

Effect of proclamation.

(2) Whenever by a proclamation issued as aforesaid the payment of the rent or of any portion of the rent is postponed, the holder for the time being or from time to time of the mining tenement affected shall not be required to pay the rent or the portion of the rent the payment whereof has been so postponed during the period of the postponement specified in the proclamation, but shall forthwith, upon the expiration of such period of postponement, become liable to pay the rent or the portion of the rent the payment whereof was postponed and not paid either in one sum or by such instalments as the Minister shall by notice in writing to such holder require.

(3) Whenever by a proclamation issued as aforesaid the holder of a mining tenement is exempted from his obligation to observe, comply with, or perform any conditions in relation to such mining tenement, the holder for the time being or from time to time of such mining tenement shall be discharged from his obligation to observe, comply with, or perform such conditions during the period for which such exemption is granted.

(4) Provided that, whenever a proclamation issued under subsection (1) of section four of this Act is revoked by a subsequent proclamation issued under subsection (2) of the same section before the expiration of any period of waiver, postponement, or exemption mentioned in subsection (1), (2), or (3) of this section, such period of waiver, postponement, or exemption aforesaid shall expire on the date of the publication of the subsequent proclamation aforesaid in the *Government Gazette*, or on such later date as may be specified in such subsequent proclamation.