

# FORM OF CONSENT UNDER SECTION 29 OF THE MINING ACT 1978

Full Christian and surname(s)

I/We _____ _____
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Delete owner or occupier as the case may be if not the same person. Insert (1) land district, (2) Location No(s) and 3) Lot No(s) (if any)

being the owner(s) and occupier(s) of (1) _____
Location No(s) (2) _____
and being Lot No(s) (3) _____

Certificate of Title details

comprised in Certificate of Title(s)/Deposited Plans
Volume (s) _____
Folio (s) _____

Mining Tenement (application) type and number

do hereby consent pursuant to Section 29 of the Mining Act to the grant of/inclusion of the private land into
_____

Signature(s) or company seal of owner(s) [and occupier(s) if different to owner]

Owner(s) _____ _____ _____ _____ _____ _____ _____ Date	Occupier(s) _____ _____ _____ _____ _____ _____ _____ Date
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Signature(s) of independent witness

Witness _____ _____ _____	Witness _____ _____ _____
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**Land title search to be provided with this consent in accordance with Regulation 10 of the Mining Act.**

**See attached for definition of owner, occupier and copy of Section 29 of the Mining Act.**

## Extracts from the Mining Act

### Section 8.....

"**occupier**" in relation to any land includes any person in actual occupation of the land under any lawful title granted by or derived from the owner of the land;

"**owner**" in relation to any land means -

- (a) the registered proprietor thereof or in relation to land not being land under the Transfer of Land Act 1893 the owner in fee simple or the person entitled to the equity of redemption thereof;
- (b) the lessee or licensee from the Crown in respect thereof;
- (c) the person who for the time being, has the lawful control and management thereof whether on trust or otherwise; or
- (d) the person who is entitled to receive the rent thereof; .....

**S. 29.** (1) Subject to this Act, but notwithstanding any other Act or law, a mining tenement may be granted in respect of an area that consists of private land only or partly of private land and partly of any other land and the authority conferred thereby on the holder thereof may be exercised by that holder in respect of any such land.

(2) Except with the consent in writing of the owner and the occupier of the private land concerned, a mining tenement shall not be granted in respect of private land -

- (a) which is in bona fide and regular use as a yard, stockyard, garden, orchard, vineyard, plant nursery or plantation or is land under cultivation;
- (b) which is the site of a cemetery or burial ground;
- (c) which is the site of a dam, bore, well or spring;
- (d) on which there is erected a substantial improvement;
- (e) which is situated within 100 metres of any private land referred to in paragraph (a), (b), (c) or (d); or
- (f) which is a separate parcel of land and has an area of 2 000 square metres or less,

unless the mining tenement is granted only in respect of that part of that private land which is not less than 30 metres below the lowest part of the natural surface of that private land.....

**S. 35.** (1) The holder of a mining tenement shall not commence any mining on the natural surface or within a depth of 30 metres from the lowest part of the natural surface of any private land unless and until he has paid or tendered to the owner and the occupier thereof the amount of compensation, if any, that he is required to pay under and as ascertained in accordance with this Act, or he has made an agreement with the owner and occupier as to the amount, times and mode of the compensation, if any.....

## Extracts from Mining Regulations

### Consents under section 29

10. (1) The consents in writing referred to in section 29(2) shall be —

- (a) filed at the office of the mining registrar; and
- (b) accompanied by a copy of the certificate of title for the relevant land.

(2) The consents in writing referred to in section 29(6) shall be —

- (a) filed with the Director General of Mines at the Department at Perth; and
- (b) accompanied by a copy of the certificate of title for the relevant land.