

# MINING (AMENDMENT) BILL, 1920.

## AMENDED SECTIONS OF THE MINING ACT, 1906, SHOWING REPEALED PROVISIONS (PRINTED IN ERASED TYPE) AND NEW PROVISIONS (PRINTED IN HEAVY BLACK TYPE).

“Crown lands,” except for the purpose of Part V,  
means lands vested in His Majesty, and  
includes—

\* \* \* \* \*

but does not include—

- (f) lands subject to a conditional lease, conditional purchase lease, ~~or application for any such lease,~~ settlement lease, special lease for other than pastoral purposes, Crown lease not expressly limited to grazing, residential lease, homestead farm, additional homestead farm, suburban holding, additional suburban holding, irrigation farm, irrigation lease, week-end lease, **or application for any of the foregoing tenures,** lease under any Act hereby repealed, or lease under this Act;

Amended,  
Act No. 41,  
1918, s. 3.

### *Rights conferred by a miner's right.*

**15.** (1) Except as against His Majesty, a holder of a miner's right, or any number of persons being each the holder of a miner's right, may, subject to the regulations and to the exemptions in this Part—

Rights of  
occupation in  
respect of  
Crown lands.

\* \* \* \* \*

- (g) **while following the occupation of a miner or prospector** procure and remove for mining, smelting, building, or other purposes for his or their personal use only, any bark, or live or dead timber, or any stone or gravel from any Crown lands not

\* \* \* \* \*

*Area and dimensions of leases.*

Areas of  
leases.

Area of gold-  
mining lease.  
Dimensions  
and form.

Area of  
mineral  
leases.

Substituted  
subsection,  
Act No. 41,  
1913, ss. 2  
and 3.

Leases for  
mining  
purposes.

Special  
leases.

Area.

Oil leases  
open to  
mining for  
other  
minerals.

**35.** (1) Subject to this section the Minister shall fix the respective areas of leases under this Part.

(2) The area of a gold-mining lease shall not exceed twenty-five acres, and the land leased shall be of the form and dimensions prescribed.

(3) The area of a mineral lease shall not exceed six hundred and forty acres for coal or shale, nor eighty acres for other minerals, excepting opal.

(4) Except as hereinafter provided, the area of a lease for mining for opal shall not exceed one hundred and fifty feet square: Provided that a lease of any area not exceeding ten acres may be granted if the prospecting board certifies that a greater area than aforesaid is necessary by reason of the difficulties and cost attending the construction of mine works upon or of mining such land.

(5) The area and dimensions of leases for mining purposes only shall be such as the Minister may, subject to the regulations, determine.

(6) This section shall not apply to special leases granted under the provisions hereinafter in this Act contained.

**35.** (1) Except in respect of special leases, the maximum area which may be included in any one mining lease under this Part shall be:—

- (a) Opal mining claim, one hundred feet square.
- (b) Gold-mining lease, twenty-five acres.
- (c) Lease to mine for coal, shale, mineral oils, petroleum or natural gas, six hundred and forty acres.
- (d) Lease to mine for any other mineral, eighty acres.

(2) The area and dimensions of leases for mining purposes shall be such as the Minister may determine.

(3) Every lease to mine for mineral oils, petroleum, or natural gas shall contain a condition empowering the Minister to grant authority to any person to prospect for any other mineral in or upon the land included in such lease, but no such authority shall be granted in respect of any part of the said land upon which the lessee is actually carrying on prospecting or mining operations or within three hundred yards thereof. In the event of the discovery by such authorised person of any mineral (other than mineral oils, petroleum, or natural gas) the Minister may, after inquiry and report

by the warden, cancel the lease of so much of the area included in such authority as may be necessary to enable mining operations for such other mineral to be carried on. Such cancellation shall take effect upon the expiration of one month from the date of service of notice upon the lessee, and for a period of one month after the date of cancellation the said authorised person shall have the exclusive right to apply for a lease of the cancelled area.

*Rent, royalty, and labour conditions.*

**36.** (1) The annual rent for a gold-mining lease granted under this Part before the commencement of the Mining (Amendment) Act, 1918, shall be five shillings per acre or portion of an acre, and for a lease so granted to mine for any mineral other than coal or shale five shillings per acre or portion of an acre.

Gold leases.  
Rent.  
Amended,  
Act No. 41,  
1918, s. 3.  
Mineral  
leases.

(2) The annual rent for a lease so granted to mine for coal or shale shall be ~~one shilling~~ two shillings per acre or portion of an acre, and a royalty shall be paid of sixpence per ton on all shale or large coal and threepence per ton on all small coal won from the land demised.

Coal leases.  
Rent and  
royalty.

(2A) The annual rent for a gold-mining lease or a mineral lease granted under this Part, after the commencement of the Mining (Amendment) Act, 1918, shall be ~~one shilling~~ two shillings per acre or portion of an acre.

New sub-  
sections (2A),  
(2B) and (2C),  
Act No. 41,  
1918, s. 3.

**40A.** (1) The Minister may grant to the Railway Commissioners for New South Wales a special lease or leases of Crown land to mine for coal, and may fix the form of and area to be comprised in any such lease.

Railway  
Commissioners'  
leases.

(2) The provisions of this Act requiring payment of rent and observance of labour conditions shall not apply to any such lease, but in all other respects such lease and the application therefor shall be subject to the provisions of this Act in respect of ordinary leases under this Act.

*Leases for mining purposes.*

Lease for  
race,  
tramway, &c.  
**Amended,  
Act No. 41,  
1918, s. 3.**

**60.** (1) Subject to the assessment by the warden of compensation, the Governor may grant to any person who has made application to the Minister in that behalf in the prescribed manner a lease—

- (a) of the surface and to a limited depth below the surface of any private land irrespective of any reservation of minerals to the Crown, for the purpose only of cutting mining-races thereon, and conveying water or detritus through or over the same to or from any mine of such holder or person; or
- (b) of any area of private land for the purpose of a tramway or a machine site, or for smelting works, or water conservation, or for any other purpose in connection with mining.

Interim  
permit to  
enter.

(2) A permit may be granted by the warden in the prescribed manner, entitling ~~any such holder or person~~ **an intending applicant** to enter upon any such land for the purpose of marking out the portion to be included in his said application.

*Mining titles.*

Special  
conditions in  
shale leases.  
**New section  
and short  
heading,  
Act No. 41,  
1918, s. 5.**

**108A.** Every lease, or authority, to mine for shale granted under the provisions of this Act or any Act hereby repealed shall, notwithstanding the terms or conditions of such authority or lease be subject to the following special conditions:—

- (a) That if, in the opinion of the Minister the shale, **mineral oils, petroleum, or natural gas** in such mine, or its products, or any portion thereof, will at any time during the said term be required for the use of His Majesty's Australian Navy, the said Secretary for Mines shall have the right of pre-emption for such use as aforesaid of all shale, **mineral oils, petroleum, or natural gas**, or the products thereof, won from the said land, at a price to be agreed upon between the Minister and the lessee, or, in case of dispute, to be fixed by arbitration.
- (b) That in time of war the Minister, on behalf of the Crown, may assume control of the said land, and all plant and machinery erected thereon.

**108B.** Any application for a lease under this Act made on and after the first day of January, one thousand nine hundred and twenty-one, may be granted by the Minister, and any lease granted under this Act or any Act hereby repealed may be cancelled by the Minister for breach of covenant, and the provisions of this Act relative to the granting and refusal of applications for leases, renewal and cancellation of leases, shall on and after the said first day of January, one thousand nine hundred and twenty-one, be read and construed as if the word "Minister" had been inserted therein in lieu of the word "Governor" or the words "Governor in the name and on behalf of His Majesty."

Vesting power of granting leases in the Minister.

*Amalgamation of leases.*

**118.** (1) The Minister may, on application in the prescribed manner by the owners of two or more adjoining gold-mining leases, or of two or more adjoining mineral leases, or of two or more dredging leases (whether such leases have been granted under the provisions of the same Act or not), and on being satisfied that the lands comprised in such leases can be more effectively worked as one mine, authorise the amalgamation of the said leases upon payment of a fee of twenty shillings for each lease so amalgamated. But where the lands comprised in such leases are divided from each other by a road or stream, mining operations shall not be carried on under such roads or streams until and unless a lease thereof has been granted :

Minister may authorise amalgamation.

Amended, Act No. 41, 1918, s. 3.

Provided that the Minister may so authorise the amalgamation of two or more mineral leases to mine for silica, notwithstanding that such leases are not adjoining.

*Complaint as to non-compliance with labour conditions.*

**124A.** (1) Any person may give notice in writing by complaint to the Minister in the prescribed form on non-compliance with the labour conditions by the lessee of any lease granted under this Act or any Act hereby repealed, and may at the same time apply for a lease of the land comprised in such lease, or any part thereof in the event of such lease being cancelled. Such complaint

Complaint as to non-compliance with labour conditions.

New section and short heading, Act No. 41, 1918, s. 3.

and application shall be lodged at the Department of Mines, Sydney, and the Minister shall forthwith cause a notice to be served upon the lessee, informing him of such complaint and application. Within fourteen days of service of such notice upon him, the lessee may in the manner prescribed enter an appearance to such complaint and apply for a hearing.

Deposit.

(2) If the lessee enters an appearance within the prescribed time, the Minister shall notify the complainant and require him to lodge, within seven days, the sum of five pounds to abide the costs of the hearing.

Direction for hearing.

(3) The Minister may, whether the lessee has or has not entered an appearance, direct a warden to hear the complaint.

Hearing.

(4) Upon receipt of such direction, the warden shall fix a day for hearing the complaint and application, and shall give not less than fourteen clear days' notice of such hearing to the complainant and the lessee. On the day fixed, the warden may take evidence on oath in open court as to the subject-matter of the complaint, and shall forward a copy of such evidence to the Minister, together with his report and recommendation.

Finding and recommendation.

(5) The warden may recommend to the Minister—

- (i) if he finds the complaint proved—
  - (a) that the lease be cancelled and that a lease of the subject land or any part thereof be granted to the complainant or be not so granted;
- (ii) if he finds the complaint not proved or that it is disproved—
  - (b) that the complaint be disallowed;
- (iii) in either case—
  - (c) that costs be allowed to the successful party.

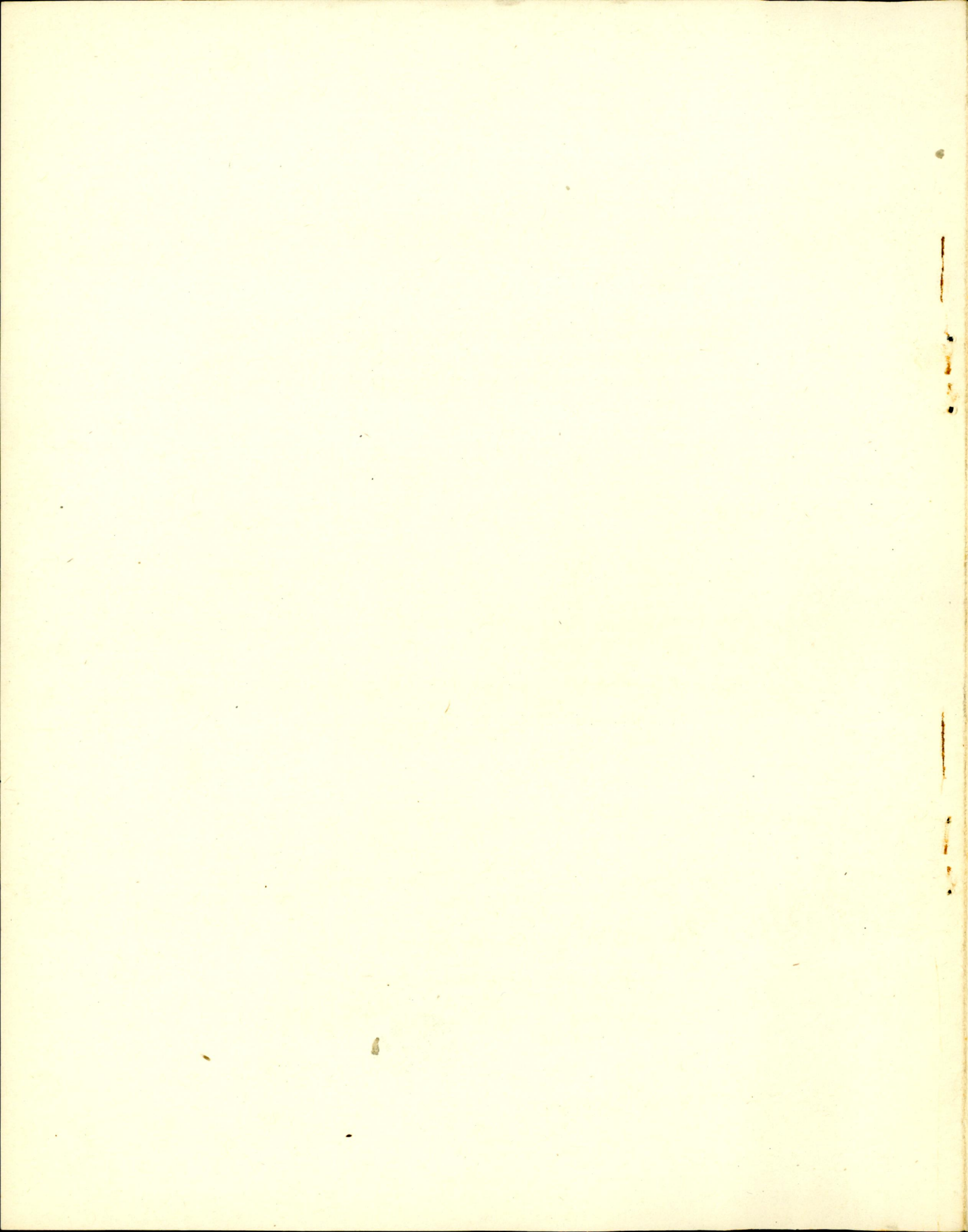
The warden shall announce in open court the purport of his report and recommendation to the Minister.

Appeal.

(6) Either party may within seven days after such announcement appeal in writing to the Minister against the warden's recommendation, and the Minister may direct a warden to hold a further inquiry, or may, if he considers the appeal to be frivolous or vexatious, refuse to entertain the same.

(7) At the expiration of seven [days after <sup>Minister's</sup> receipt of the warden's report and recommendation, or, <sup>powers.</sup> where there is an appeal to the Minister, after the determination of such appeal, the Minister may—

- ~~(a) recommend to the Governor that the lease be cancelled;~~
- (a) **cancel the lease ;**
- ~~(b) recommend to the Governor that a lease of the subject land, or any part thereof, be granted to the complainant;~~
- (b) **grant a lease of the subject land, or any part thereof, to the complainant ;**
- (c) **disallow the complaint.**





*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY,  
and, having this day passed, is now ready for presentation to the  
LEGISLATIVE COUNCIL for its concurrence.*

W. S. MOWLE,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 15 December, 1920.*

## New South Wales.



ANNO UNDECIMO

GEORGII V REGIS.

\*\*\*\*\*

Act No. , 1920.

An Act to amend the Mining Act, 1906, as amended by the Mining (Amendment) Act, 1907, the Mining (Amendment) Act, 1918, and the Mining (Amendment) Act, 1919; and for purposes consequent thereon or incidental thereto.

*Mining (Amendment).*

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

**1.** This Act shall be construed with the Mining Act, 1906, hereinafter called the Principal Act, as amended by the Mining (Amendment) Act, 1907, the Mining (Amendment) Act, 1918, and the Mining (Amendment) Act, 1919, and may be cited as the "Mining (Amendment) Act, 1920." Short title.

**2.** The following amendments are made in the Principal Act as so amended :— Amendment of Principal Act.

Section three, definition of "Crown lands," paragraph (f). : Omit "or application for any such lease" after the words "conditional purchase lease"; insert "or application for any of the foregoing tenures" after the words "week-end lease."

Section fifteen, subsection one, paragraph (g): Insert the words "while following the occupation of a miner or prospector" before the word "procure."

Section thirty-five is repealed, and the following section is substituted therefor :—

35. (1) Except in respect of special leases, the maximum area which may be included in any one mining lease under this Part shall be:— Area.

(a) Opal mining claim, one hundred feet square.

(b) Gold-mining lease, twenty-five acres.

(c) Lease to mine for coal, shale, mineral oils, petroleum or natural gas, six hundred and forty acres.

(d) Lease to mine for any other mineral, eighty acres.

(2) The area and dimensions of leases for mining purposes shall be such as the Minister may determine.

(3) Every lease to mine for mineral oils, petroleum, or natural gas shall contain a condition empowering the Minister to grant authority Oil leases open to mining for other minerals.

*Mining (Amendment).*

5 authority to any person to prospect for any other mineral in or upon the land included in such lease, but no such authority shall be granted in respect of any part of the said land upon which the lessee is actually carrying on prospecting or mining operations or within three hundred yards thereof. In the event of the discovery by such authorised person of any mineral (other than mineral oils, petroleum, or natural gas) the Minister may, after inquiry and report by the warden, cancel the lease of so much of the area included in such authority as may be necessary to enable mining operations for such other mineral to be carried on. 10 Such cancellation shall take effect upon the expiration of one month from the date of service of notice upon the lessee, and for a period of one month after the date of cancellation the said authorised person shall have the exclusive right to apply for a lease of the cancelled area. 15 20

Section thirty-six, subsection two, line two: Omit "one shilling" insert "two shillings"; and in subsection (2A), line four, omit "one shilling" insert "two shillings." 25

The following new section is inserted next after section forty:—

30 40A. (1) The Minister may grant to the Railway Commissioners for New South Wales a special lease or leases of Crown land to mine for coal, and may fix the form of and area to be comprised in any such lease. Railway Commissioners' leases.

35 (2) The provisions of this Act requiring payment of rent and observance of labour conditions shall not apply to any such lease, but in all other respects such lease and the application therefor shall be subject to the provisions of this Act in respect of ordinary leases under this Act.

In

*Mining (Amendment).*

In section sixty, subsection two : Omit "any such holder or person," insert "an intending applicant."

5 Section 108A is amended by inserting the words "mineral oils, petroleum, or natural gas" after the word "shale" wherever in such section appearing.

The following new section is inserted next after section 108A :—

10 108B. Any application for a lease under this Act made on and after the first day of January, one thousand nine hundred and twenty-one, may be granted by the Minister, and any lease granted under this Act or any Act hereby repealed may be cancelled by the Minister for breach of covenant, and the provisions of this Act relative to the granting and refusal of applications for leases, renewal and cancellation of leases, shall on and after the said first day of January, one thousand nine hundred and twenty-one, be read and construed as if the word "Minister" had been inserted therein in lieu of the word "Governor" or the words "Governor in the name and on behalf of His Majesty."

Vesting power of granting leases in the Minister.

15 20 The following proviso is added at the end of the first paragraph of subsection one of section one hundred and eighteen :—

30 Provided that the Minister may so authorise the amalgamation of two or more mineral leases to mine for silica, notwithstanding that such leases are not adjoining.

35 Subsection seven of section 124A is amended by omitting paragraphs (a) and (b), and inserting in lieu thereof :—

- (a) cancel the lease ;
- (b) grant a lease of the subject land, or any part thereof, to the complainant.