

# New South Wales.



ANNO UNDECIMO

# GEORGII VI REGIS.

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Act No. 53, 1946.

An Act to amend the Mining Act, 1906-1935;  
and for purposes connected therewith.  
[Assented to, 24th December, 1946.]

**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. (1) This Act may be cited as the "Mining (Amendment) Act, 1946."

(2) The Mining Act, 1906, as amended by subsequent Acts and by this Act, may be cited as the Mining Act, 1906-1946.

(3) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Short title,  
citation  
and com-  
mencement.

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*Mining (Amendment).*


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**2.** The Mining Act, 1906-1935, is amended—

Amendment  
of Act No. 49,  
1906.

Sec. 38.  
(Term of  
renewal of  
leases.)

- (a) (i) by omitting from subsection two of section thirty-eight the word “a” and by inserting in lieu thereof the word “any”;
- (ii) by inserting at the end of the same subsection the words “or where the term of the lease does not exceed five years during the last year of such term”;

Sec. 39A.  
(Renewal of  
Crown lands  
lease for  
further  
term.)

- (b) by inserting in section 39A after the word “may” where firstly occurring the words “with the consent of the Governor”;

New sec.  
39C.

- (c) by inserting next after section 39B the following new section:—

Renewals of  
Crown  
lands  
leases  
for further  
terms.

39c. (1) A lease of Crown lands granted under this Act or any Act hereby repealed, the term of which has been renewed pursuant to section 39A of this Act, or a lease of Crown lands to which section 39B of this Act applies, the term of which has been renewed pursuant to that section, may, with the consent of the Governor, be renewed from time to time for such further term not exceeding twenty years and subject to such rents, royalties and other covenants and conditions as the Governor may approve.

(2) Notwithstanding any other provisions of this Act application for any such renewal may be made at any time during the term of any such lease.

Sec. 62.  
(Term of  
lease.)

- (d) (i) by omitting subsection one of section sixty-two and by inserting in lieu thereof the following subsection:—

(1) A lease granted under this Part may be for any term not exceeding twenty years.

(ii)

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*Mining (Amendment).*


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(ii) by omitting subsection three of the same section and by inserting in lieu thereof the following subsections:—

(3) Any such lease may, with the consent of the Governor, be renewed for any term not exceeding twenty years.

(4) The renewal shall be subject to such rents, royalties, and other covenants and conditions as the Governor may approve.

(e) by inserting next after section sixty-two the following new section:—

New sec.  
62A.

62A. (1) Any lease granted under this Part of this Act, or any lease of private lands granted under any Act repealed by this Act, the term of which has been renewed whether before or after the commencement of the Mining (Amendment) Act, 1946, may, with the consent of the Governor, be renewed from time to time for such further term not exceeding twenty years as the Governor may approve.

Renewal  
for  
further  
term.

(2) Any renewal granted in pursuance of this section shall be subject to such rents, royalties, and other covenants and conditions as the Governor may approve.

(f) by inserting at the end of subsection one of section 70c the following words:—

Sec. 70c.  
(Royalty  
payable.)

Provided that upon any renewal of a lease under this Division the Governor may in respect of such renewal vary the amount payable by way of royalty under paragraph (a) or paragraph (b) of this subsection in such manner as he may determine.

For the purposes of subsection two of this section the amount determined by the Governor in respect of any such renewal pursuant to the foregoing provision shall, in respect of such renewal, be deemed to be the amount prescribed by paragraph (a) or paragraph (b) of this subsection, as the case may be.

(g)

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*Mining (Amendment).*

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Sec. 86.

(Governor  
may grant  
leases for  
dredging,  
etc.)

(g) by omitting subsections three and four of section eighty-six and by inserting in lieu thereof the following subsections:—

(3) A lease granted under this Part may be for any term not exceeding twenty years.

(4) Any such lease may, with the consent of the Governor, be renewed for any further term not exceeding twenty years.

(5) The renewal shall be subject to such rents, royalties, and other covenants and conditions as the Governor may approve.

New sec.  
86A.

(h) by inserting next after section eighty-six the following new section:—

Renewal  
of leases  
for further  
term.

86A. (1) Any lease granted under this Part of this Act, or any dredging lease granted under any Act repealed by this Act, the term of which has been renewed whether before or after the commencement of the Mining (Amendment) Act, 1946, may, with the consent of the Governor, be renewed from time to time for such further term not exceeding twenty years as the Governor may approve.

(2) Any renewal granted in pursuance of this section shall be subject to such rents, royalties, and other covenants and conditions as the Governor may approve.

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By Authority:

THOMAS HENRY TENNANT, Government Printer, Sydney, 1947.

[3d.]