

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.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 29 November, 1961.*

New South Wales



ANNO DECIMO

ELIZABETHÆ II REGINÆ

Act No. , 1961.

An Act to make further provisions with respect to the renewal of leases granted under the Mining Act, 1906, as amended by subsequent Acts, and the Petroleum Act, 1955; for this and other purposes to amend the Mining Act, 1906, as so amended, and the Petroleum Act, 1955; to validate certain matters; to make provision with respect to damages that may be payable by Associated Minerals Pty. Limited in respect of mining operations carried on by that company on certain land owned by N.S.W. Rutile Mining Company Pty. Limited; and for purposes connected therewith.

BE

Mining (Renewal of Leases) Amendment.

BE it enacted by the Queen'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 (Renewal of Leases) Amendment Act, 1961".

Short title and citation.

(2) The Mining Act, 1906, as amended by subsequent Acts and by this Act, may be cited as the Mining Act, 1906-1961.

(3) The Mining Act, 1906, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(4) The Petroleum Act, 1955, as amended by this Act, may be cited as the Petroleum Act, 1955-1961.

2. The Principal Act is amended by inserting next after section one hundred and seven the following short heading and new section :—

Amendment of Act No. 49, 1906. New sec. 107A.

Renewals of Leases.

107A. (1) Where in accordance with any regulations in that behalf an application is made for the renewal or further renewal of a lease granted under any of the provisions of this Act or of any Act repealed by this Act and the application has not been granted or refused before the expiry thereof, the lease shall, subject to this section, continue in full force and effect until the application is granted or refused, and the Governor may grant or refuse such application notwithstanding that the term for which the lease, or any renewal thereof, was granted has expired.

Operation of lease during pendency of application for renewal.

(2) At any time before the grant or refusal of the application the Minister may by notice served upon the applicant for such renewal or further renewal vary any of the provisions of such lease (not being a provision relating to the rent or royalty payable thereunder) and the lease shall continue in full force and effect as aforesaid subject to any such variations.

(3)

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(3) Upon the grant or refusal of the application the Governor may vary the amount of the rent and royalty payable by the holder of the lease during the period the lease was continued in full force and effect by this section.

If the rent or royalty paid by the holder in respect of that period—

- (a) was less than the rent or royalty, as the case may be, as varied by the Governor as aforesaid, the applicant for such renewal or further renewal shall be liable to pay the difference on demand; or
- (b) was greater than the rent or royalty, as the case may be, as varied by the Governor as aforesaid, the difference shall be refunded to the applicant for such renewal or further renewal.

3. The Petroleum Act, 1955, is amended—

- (a) by inserting in subsection two of section eighteen after the words "renewal thereof," the words "and not later than one month before the expiry of such license or renewal,";
- (b) by inserting in subsection two of section twenty-four after the words "renewal thereof," the words "and not later than one month before the expiry of such license or renewal,";
- (c) by inserting next after section thirty the following new section :—

Amendment of Act No. 28, 1955.

Sec. 18. (Term of petroleum exploration license and renewal.)

Sec. 24. (Term of petroleum prospecting license and renewal.)

New sec. 30A.

30A. (1) Where in accordance with any regulations in that behalf an application is made for the renewal or further renewal of a lease granted under any of the provisions of this Act and the application has not been granted or refused before the expiry thereof the lease shall, subject to this section, continue in full force and effect until the application is

Operation of lease during pendency of application for renewal.

Mining (Renewal of Leases) Amendment.

is granted or refused, and the Governor may grant or refuse such application notwithstanding that the term for which the lease, or any renewal thereof, was granted has expired.

5 (2) At any time before the grant or refusal of the application the Minister may by notice served upon the applicant for such renewal or further renewal vary any of the provisions of such lease (not being a provision relating to the rent or 10 royalty payable thereunder) and the lease shall continue in full force and effect as aforesaid subject to any such variations.

15 (3) Upon the grant or refusal of the application the Governor may vary the amount of the rent and royalty payable by the holder of the lease during the period the lease was continued in full force and effect by this section.

If the rent or royalty paid by the holder in respect of that period—

20 (a) was less than the rent or royalty, as the case may be, as varied by the Governor as aforesaid, the applicant for such renewal or further renewal shall be liable to pay the difference on demand; or

25 (b) was greater than the rent or royalty, as the case may be, as varied by the Governor as aforesaid, the difference shall be refunded to the applicant for such renewal or further renewal.

30 4. (1) The provisions of—

(a) section 107A of the Principal Act, as amended by this Act, shall apply and be deemed always to have applied to and in respect of any application made before the commencement of this Act for the 35 renewal or further renewal of any lease granted under

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under any of the provisions of the Principal Act or of any Act repealed by that Act, and to and in respect of the lease the subject of the application;

5 (b) section 30A of the Petroleum Act, 1955, as amended by this Act, shall apply and be deemed always to have applied to and in respect of any application made before the commencement of this Act for the renewal or further renewal of any lease granted under the provisions of that Act, as so amended, and to and in respect of the lease the subject of the application,

10

whether or not such application was, or purported to be, granted or refused before such commencement.

(2) The Governor and the Minister shall be deemed to be and always to have been empowered to exercise in relation to the application for any such renewal or further renewal or to any such lease or the holder of any such lease the powers conferred upon them respectively by the said section 107A or 30A, as the case may be.

(3) Notwithstanding the terms of any renewal or further renewal, purporting to have been granted before the commencement of this Act, of a lease the term or renewed term of which had expired, such renewal or further renewal shall be deemed to have commenced and taken effect upon the date of execution thereof by the Governor and shall be deemed to have been, or shall be, as the case may be, in force until the expiration of the period for which the renewal or further renewal is expressed to have been granted.

5. (1) Nothing in section four of this Act shall apply or be deemed ever to have applied to or in respect of the applications made by Associated Minerals Pty. Limited for the renewal of the leases granted to it by the Governor pursuant to the provisions of the Principal Act—

Exclusion of certain mining operations from validating provisions.

(a) on the eighth day of September, one thousand nine hundred and fifty-eight, of the land described as portion PML 11 in the plan catalogued M.21561 in the Department of Mines; and

(b)

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(b) on the tenth day of July, one thousand nine hundred and fifty-nine, of the land described as portion PML 12 in the plan catalogued M.21562 in the Department of Mines,

5 in so far as the application for the renewal of either such lease related to land which during the period from the expiration of the lease concerned until the twenty-first day of June, one thousand nine hundred and sixty, was owned by, or in which any minerals were during that period owned by,
10 N.S.W. Rutile Mining Company Pty. Limited.

(2) For the purposes of sections four and five of this Act the lease granted to Associated Minerals Pty. Limited by the Governor pursuant to the provisions of the Principal Act—

15 (a) on the eighth day of September, one thousand nine hundred and fifty-eight, shall be deemed to be and always to have been two separate leases containing the same terms and conditions as the lease so granted,—

20 (i) one of such leases being of such part of the land described as portion PML 11 in the plan catalogued M.21561 in the Department of Mines as was during the term of the lease so granted owned by, or as
25 during that term contained any minerals owned by, N.S.W. Rutile Mining Company Pty. Limited; and

(ii) the other of such leases being of the residue of the land so described; and

30 (b) on the tenth day of July, one thousand nine hundred and fifty-nine, shall be deemed to be and always to have been two separate leases containing the same terms and conditions as the lease so granted,—

35 (i) one of such leases being of such part of the land described as portion PML 12 in the plan catalogued M.21562 in the Department of Mines as was during the term of the lease

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lease so granted owned by, or as during that term contained any minerals owned by, N.S.W. Rutile Mining Company Pty. Limited; and

- 5 (ii) the other of such leases being of the residue of the land so described,

and the said Associated Minerals Pty. Limited shall be deemed to have made separate applications for the renewal of each such separate lease upon the day upon which it
10 applied for the renewal of the lease of the said portion PML 11 or the said portion PML 12, as the case may be.

Nothing in this subsection shall affect the operation of section four of this Act in relation to the separate application deemed to have been made for the renewal of the separate
15 leases referred to in subparagraph (ii) of paragraph (a) or (b) of this subsection.

6. (1) Any extension or further extension, purporting to have been granted by the Minister before the commencement of this Act, of an authority to prospect granted under section
20 seventeen of the Principal Act shall, notwithstanding that it was or purported to be granted after the expiry of the authority or of the authority as previously extended, as the case may be, be deemed to be and always to have been as valid and effectual as it would have been had it been granted
25 immediately before such expiry to take effect on and from such expiry.

Validations of extensions of authorities to prospect, and renewals of petroleum exploration licenses and petroleum prospecting licenses.

(2) Any renewal or further renewal, purporting to have been granted by the Minister before the commencement of this Act, of any petroleum exploration license or petroleum
30 prospecting license granted under the Petroleum Act, 1955, shall, notwithstanding that it was or purported to be granted after the expiry of the license of which it purported to be a renewal or of such license as previously renewed, as the case may be, be deemed to be and always to have been as valid
35 and effectual as it would have been had it been granted immediately before such expiry to take effect on and from such expiry.

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7. (1) Associated Minerals Pty. Limited shall be liable to pay in accordance with the provisions, relating to the payment of rents and royalties, of Part V of the Principal Act—

Rents and royalties payable in respect of mining operations on certain land owned by N.S.W. Rutile Mining Company Pty. Limited.

(a) in respect of—

5 (i) the land described as portion PML 11 in the plan catalogued M.21561 in the Department of Mines which during the period from the eighth day of September, one thousand nine hundred and fifty-eight, to the twentieth day of June, one thousand nine hundred and sixty, was owned by, or in which any minerals were during that period owned by, N.S.W. Rutile Mining Company Pty. Limited rent for that period at the rate of ten shillings per annum per acre of such land;

10 (ii) that part of the land described as portion PML 12 in the plan catalogued M.21562 in the Department of Mines which during the period from the tenth day of July, one thousand nine hundred and fifty-nine, to the twenty-first day of June, one thousand nine hundred and sixty, was owned by, or in which any minerals were during that period owned by, N.S.W. Rutile Mining Company Pty. Limited and on which any mining operations or works incidental thereto were carried on by the said Associated Minerals Pty. Limited at any time during that period, rent for that period at the rate of ten shillings per annum per acre of such land;

(b) in respect of rutile and zircon won—

35 (i) during the period from the eighth day of September, one thousand nine hundred and fifty-eight, to the twenty-first day of June, one thousand nine hundred and sixty, from the land described as portion PML 11 in the plan catalogued M.21561 in the Department

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Department of Mines, royalties in the total sum of eleven thousand and thirteen pounds thirteen shillings and threepence;

- 5 (ii) during the period from the tenth day of July, one thousand nine hundred and fifty-nine, to the twenty-first day of June, one thousand nine hundred and sixty, from such part of the land described as portion PML 12 in the plan catalogued M.21562
10 in the Department of Mines on which any mining operations or works incidental thereto were carried on by the said Associated Minerals Pty. Limited at any time during that period, royalties in the
15 total sum of two thousand eight hundred and twenty-eight pounds one shilling and threepence;

less any amount already paid by such company in respect of such rents and royalties, and such rents and royalties shall
20 be dealt with and paid out in accordance with the provisions of sections ninety-seven and ninety-eight of the Principal Act.

(2) For the purpose of dealing with and paying out such royalties the quantity of rutile and zircon won—

- 25 (a) during the period from the eighth day of September, one thousand nine hundred and fifty-eight, to the twenty-first day of June, one thousand nine hundred and sixty, from the land described as portion PML
30 11 in the plan catalogued M.21561 in the Department of Mines, shall be deemed to be the aggregate of the quantities shown in the returns dated the fourth day of March, one thousand nine hundred and fifty-nine, the twentieth day of January, one thousand nine hundred and sixty, and the sixteenth
35 day of January, one thousand nine hundred and sixty-one, and furnished in respect of such land by Associated Minerals Pty. Limited to the Minister, and shall be deemed to have been won in uniform quantities from every part of such land;

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5 (b) during the period from the tenth day of July, one thousand nine hundred and fifty-nine, to the twenty-first day of June, one thousand nine hundred and sixty, from that part of the land described as portion PML 12 in the plan catalogued M.21562 in the Department of Mines on which any mining operations or works incidental thereto were carried on by the said Associated Minerals Pty. Limited at any time during that period, shall be deemed to be the quantities shown in the return dated the sixteenth day of January, one thousand nine hundred and sixty-one, and furnished in respect of such land by the said Associated Minerals Pty. Limited to the Minister, and shall be deemed to have been won in uniform quantities from every part of such land.

8. In assessing any damages for which Associated Minerals Pty. Limited, or any director, officer or servant of that company, may be liable by reason of anything done or omitted to be done (including, but without limiting the generality of the foregoing, the extraction and removal of any minerals) on or in respect of—

Associated Minerals Pty. Limited not to be liable for exemplary damages in respect of certain mining operations.

- (a) the land referred to in subparagraph (i) of paragraph (a) of section seven of this Act during the period referred to in that subparagraph; or
- 25 (b) the land referred to in subparagraph (ii) of the said paragraph during the period referred to in that subparagraph,

no amount shall be awarded by way of exemplary damages.

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.

Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, November, 1961.*

New South Wales



ANNO DECIMO

ELIZABETHÆ II REGINÆ

Act No. , 1961.

An Act to make further provisions with respect to the renewal of leases granted under the Mining Act, 1906, as amended by subsequent Acts, and the Petroleum Act, 1955; for this and other purposes to amend the Mining Act, 1906, as so amended, and the Petroleum Act, 1955; to validate certain matters; to make provision with respect to damages that may be payable by Associated Minerals Pty. Limited in respect of mining operations carried on by that company on certain land owned by N.S.W. Rutile Mining Company Pty. Limited; and for purposes connected therewith.

BE

Mining (Renewal of Leases) Amendment.

BE it enacted by the Queen'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 (Renewal of Leases) Amendment Act, 1961".

Short title and citation.

(2) The Mining Act, 1906, as amended by subsequent Acts and by this Act, may be cited as the Mining Act, 1906-1961.

(3) The Mining Act, 1906, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(4) The Petroleum Act, 1955, as amended by this Act, may be cited as the Petroleum Act, 1955-1961.

2. The Principal Act is amended by inserting next after section one hundred and seven the following short heading and new section : —

Amendment of Act No. 49, 1906. New sec. 107A.

Renewals of Leases.

107A. (1) Where in accordance with any regulations in that behalf an application is made for the renewal or further renewal of a lease granted under any of the provisions of this Act or of any Act repealed by this Act and the application has not been granted or refused before the expiry thereof, the lease shall, subject to this section, continue in full force and effect until the application is granted or refused, and the Governor may grant or refuse such application notwithstanding that the term for which the lease, or any renewal thereof, was granted has expired.

Operation of lease during pendency of application for renewal.

(2) At any time before the grant or refusal of the application the Minister may by notice served upon the applicant for such renewal or further renewal vary any of the provisions of such lease (not being a provision relating to the rent or royalty payable thereunder) and the lease shall continue in full force and effect as aforesaid subject to any such variations.

(3)

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(3) Upon the grant or refusal of the application the Governor may vary the amount of the rent and royalty payable by the holder of the lease during the period the lease was continued in full force and effect by this section.

If the rent or royalty paid by the holder in respect of that period—

(a) was less than the rent or royalty, as the case may be, as varied by the Governor as aforesaid, the applicant for such renewal or further renewal shall be liable to pay the difference on demand; or

(b) was greater than the rent or royalty, as the case may be, as varied by the Governor as aforesaid, the difference shall be refunded to the applicant for such renewal or further renewal.

3. The Petroleum Act, 1955, is amended—

(a) by inserting in subsection two of section eighteen after the words "renewal thereof," the words "and not later than one month before the expiry of such license or renewal,";

Amendment of Act No. 28, 1955.

Sec. 18. (Term of petroleum exploration license and renewal.)

(b) by inserting in subsection two of section twenty-four after the words "renewal thereof," the words "and not later than one month before the expiry of such license or renewal,";

Sec. 24. (Term of petroleum prospecting license and renewal.)

(c) by inserting next after section thirty the following new section :—

New sec. 30A.

30A. (1) Where in accordance with any regulations in that behalf an application is made for the renewal or further renewal of a lease granted under any of the provisions of this Act and the application has not been granted or refused before the expiry thereof the lease shall, subject to this section, continue in full force and effect until the application

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is

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is granted or refused, and the Governor may grant or refuse such application notwithstanding that the term for which the lease, or any renewal thereof, was granted has expired.

5 (2) At any time before the grant or refusal of the application the Minister may by notice served upon the applicant for such renewal or further renewal vary any of the provisions of such lease (not being a provision relating to the rent or 10 royalty payable thereunder) and the lease shall continue in full force and effect as aforesaid subject to any such variations.

15 (3) Upon the grant or refusal of the application the Governor may vary the amount of the rent and royalty payable by the holder of the lease during the period the lease was continued in full force and effect by this section.

If the rent or royalty paid by the holder in respect of that period—

20 (a) was less than the rent or royalty, as the case may be, as varied by the Governor as aforesaid, the applicant for such renewal or further renewal shall be liable to pay the difference on demand; or

25 (b) was greater than the rent or royalty, as the case may be, as varied by the Governor as aforesaid, the difference shall be refunded to the applicant for such renewal or further renewal.

30 4. (1) The provisions of—

35 (a) section 107A of the Principal Act, as amended by this Act, shall apply and be deemed always to have applied to and in respect of any application made before the commencement of this Act for the renewal or further renewal of any lease granted under

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under any of the provisions of the Principal Act or of any Act repealed by that Act, and to and in respect of the lease the subject of the application;

5 (b) section 30A of the Petroleum Act, 1955, as amended by this Act, shall apply and be deemed always to have applied to and in respect of any application made before the commencement of this Act for the renewal or further renewal of any lease granted under the provisions of that Act, as so amended,

10 and to and in respect of the lease the subject of the application,

whether or not such application was, or purported to be, granted or refused before such commencement.

(2) The Governor and the Minister shall be deemed
15 to be and always to have been empowered to exercise in relation to the application for any such renewal or further renewal or to any such lease or the holder of any such lease the powers conferred upon them respectively by the said section 107A or 30A, as the case may be.

(3) Notwithstanding the terms of any renewal or
20 further renewal, purporting to have been granted before the commencement of this Act, of a lease the term or renewed term of which had expired, such renewal or further renewal shall be deemed to have commenced and taken effect upon
25 the date of execution thereof by the Governor and shall be deemed to have been, or shall be, as the case may be, in force until the expiration of the period for which the renewal or further renewal is expressed to have been granted.

5. (1) Nothing in section four of this Act shall apply
30 or be deemed ever to have applied to or in respect of the applications made by Associated Minerals Pty. Limited for the renewal of the leases granted to it by the Governor pursuant to the provisions of the Principal Act—

Exclusion of certain mining operations from validating provisions.

(a) on the eighth day of September, one thousand nine
35 hundred and fifty-eight, of the land described as portion PML 11 in the plan catalogued M.21561 in the Department of Mines; and

(b)

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(b) on the tenth day of July, one thousand nine hundred and fifty-nine, of the land described as portion PML 12 in the plan catalogued M.21562 in the Department of Mines,

5 in so far as the application for the renewal of either such lease related to land which during the period from the expiration of the lease concerned until the twenty-first day of June, one thousand nine hundred and sixty, was owned by, or in which any minerals were during that period owned by,
10 N.S.W. Rutile Mining Company Pty. Limited.

(2) For the purposes of sections four and five of this Act the lease granted to Associated Minerals Pty. Limited by the Governor pursuant to the provisions of the Principal Act—

15 (a) on the eighth day of September, one thousand nine hundred and fifty-eight, shall be deemed to be and always to have been two separate leases containing the same terms and conditions as the lease so granted,—

20 (i) one of such leases being of such part of the land described as portion PML 11 in the plan catalogued M.21561 in the Department of Mines as was during the term of the lease so granted owned by, or as
25 during that term contained any minerals owned by, N.S.W. Rutile Mining Company Pty. Limited; and

(ii) the other of such leases being of the residue of the land so described; and

30 (b) on the tenth day of July, one thousand nine hundred and fifty-nine, shall be deemed to be and always to have been two separate leases containing the same terms and conditions as the lease so granted,—

35 (i) one of such leases being of such part of the land described as portion PML 12 in the plan catalogued M.21562 in the Department of Mines as was during the term of the lease

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lease so granted owned by, or as during that term contained any minerals owned by, N.S.W. Rutile Mining Company Pty. Limited; and

- 5 (ii) the other of such leases being of the residue of the land so described,

and the said Associated Minerals Pty. Limited shall be deemed to have made separate applications for the renewal of each such separate lease upon the day upon which it
10 applied for the renewal of the lease of the said portion PML 11 or the said portion PML 12, as the case may be.

Nothing in this subsection shall affect the operation of section four of this Act in relation to the separate application deemed to have been made for the renewal of the separate
15 leases referred to in subparagraph (ii) of paragraph (a) or (b) of this subsection.

6. (1) Any extension or further extension, purporting to have been granted by the Minister before the commencement of this Act, of an authority to prospect granted under section
20 seventeen of the Principal Act shall, notwithstanding that it was or purported to be granted after the expiry of the authority or of the authority as previously extended, as the case may be, be deemed to be and always to have been as valid and effectual as it would have been had it been granted
25 immediately before such expiry to take effect on and from such expiry.

Validations of extensions of authorities to prospect, and renewals of petroleum exploration licenses and petroleum prospecting licenses.

(2) Any renewal or further renewal, purporting to have been granted by the Minister before the commencement of this Act, of any petroleum exploration license or petroleum
30 prospecting license granted under the Petroleum Act, 1955, shall, notwithstanding that it was or purported to be granted after the expiry of the license of which it purported to be a renewal or of such license as previously renewed, as the case may be, be deemed to be and always to have been as valid
35 and effectual as it would have been had it been granted immediately before such expiry to take effect on and from such expiry.

Mining (Renewal of Leases) Amendment.

7. (1) Associated Minerals Pty. Limited shall be liable to pay in accordance with the provisions, relating to the payment of rents and royalties, of Part V of the Principal Act—

Rents and royalties payable in respect of mining operations on certain land owned by N.S.W. Rutile Mining Company Pty. Limited.

(a) in respect of—

5 (i) the land described as portion PML 11 in the plan catalogued M.21561 in the Department of Mines which during the period from the eighth day of September, one thousand nine hundred and fifty-eight, to the twentieth day of June, one thousand nine hundred and sixty, was owned by, or in which any minerals were during that period owned by, N.S.W. Rutile Mining Company Pty. Limited rent for that period at the rate of ten shillings per annum per acre of such land;

10 (ii) that part of the land described as portion PML 12 in the plan catalogued M.21562 in the Department of Mines which during the period from the tenth day of July, one thousand nine hundred and fifty-nine, to the twenty-first day of June, one thousand nine hundred and sixty, was owned by, or in which any minerals were during that period owned by, N.S.W. Rutile Mining Company Pty. Limited and on which any mining operations or works incidental thereto were carried on by the said Associated Minerals Pty. Limited at any time during that period, rent for that period at the rate of ten shillings per annum per acre of such land;

(b) in respect of rutile and zircon won—

35 (i) during the period from the eighth day of September, one thousand nine hundred and fifty-eight, to the twenty-first day of June, one thousand nine hundred and sixty, from the land described as portion PML 11 in the plan catalogued M.21561 in the Department

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Department of Mines, royalties in the total sum of eleven thousand and thirteen pounds thirteen shillings and threepence;

- 5 (ii) during the period from the tenth day of July, one thousand nine hundred and fifty-nine, to the twenty-first day of June, one thousand nine hundred and sixty, from such part of the land described as portion PML 12 in the plan catalogued M.21562
10 in the Department of Mines on which any mining operations or works incidental thereto were carried on by the said Associated Minerals Pty. Limited at any time during that period, royalties in the
15 total sum of two thousand eight hundred and twenty-eight pounds one shilling and threepence;

less any amount already paid by such company in respect of such rents and royalties, and such rents and royalties shall
20 be dealt with and paid out in accordance with the provisions of sections ninety-seven and ninety-eight of the Principal Act.

(2) For the purpose of dealing with and paying out such royalties the quantity of rutile and zircon won—

- 25 (a) during the period from the eighth day of September, one thousand nine hundred and fifty-eight, to the twenty-first day of June, one thousand nine hundred and sixty, from the land described as portion PML
30 11 in the plan catalogued M.21561 in the Department of Mines, shall be deemed to be the aggregate of the quantities shown in the returns dated the fourth day of March, one thousand nine hundred and fifty-nine, the twentieth day of January, one thousand nine hundred and sixty, and the sixteenth
35 day of January, one thousand nine hundred and sixty-one, and furnished in respect of such land by Associated Minerals Pty. Limited to the Minister, and shall be deemed to have been won in uniform quantities from every part of such land;

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- (b) during the period from the tenth day of July, one thousand nine hundred and fifty-nine, to the twenty-first day of June, one thousand nine hundred and sixty, from that part of the land described as portion PML 12 in the plan catalogued M.21562 in the Department of Mines on which any mining operations or works incidental thereto were carried on by the said Associated Minerals Pty. Limited at any time during that period, shall be deemed to be the quantities shown in the return dated the sixteenth day of January, one thousand nine hundred and sixty-one, and furnished in respect of such land by the said Associated Minerals Pty. Limited to the Minister, and shall be deemed to have been won in uniform quantities from every part of such land.

8. In assessing any damages for which Associated Minerals Pty. Limited, or any director, officer or servant of that company, may be liable by reason of anything done or omitted to be done (including, but without limiting the generality of the foregoing, the extraction and removal of any minerals) on or in respect of—
- (a) the land referred to in subparagraph (i) of paragraph (a) of section seven of this Act during the period referred to in that subparagraph; or
- (b) the land referred to in subparagraph (ii) of the said paragraph during the period referred to in that subparagraph,
- no amount shall be awarded by way of exemplary damages.

Associated Minerals Pty. Limited not to be liable for exemplary damages in respect of certain mining operations.

No. , 1961.

A BILL

To make further provisions with respect to the renewal of leases granted under the Mining Act, 1906, as amended by subsequent Acts, and the Petroleum Act, 1955; for this and other purposes to amend the Mining Act, 1906, as so amended, and the Petroleum Act, 1955; to validate certain matters; to make provision with respect to damages that may be payable by Associated Minerals Pty. Limited in respect of mining operations carried on by that company on certain land owned by N.S.W. Rutile Mining Company Pty. Limited; and for purposes connected therewith.

[Mr. SIMPSON;—28 November, 1961.]

BE

Mining (Renewal of Leases) Amendment.

BE it enacted by the Queen'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 (Renewal of Leases) Amendment Act, 1961". Short title and citation.

(2) The Mining Act, 1906, as amended by subsequent Acts and by this Act, may be cited as the Mining Act, 1906-1961.

(3) The Mining Act, 1906, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(4) The Petroleum Act, 1955, as amended by this Act, may be cited as the Petroleum Act, 1955-1961.

2. The Principal Act is amended by inserting next after section one hundred and seven the following short heading and new section :— Amendment of Act No. 49, 1906.
New sec. 107A.

Renewals of Leases.

107A. (1) Where in accordance with any regulations in that behalf an application is made for the renewal or further renewal of a lease granted under any of the provisions of this Act or of any Act repealed by this Act and the application has not been granted or refused before the expiry thereof, the lease shall, subject to this section, continue in full force and effect until the application is granted or refused, and the Governor may grant or refuse such application notwithstanding that the term for which the lease, or any renewal thereof, was granted has expired. Operation of lease during pendency of application for renewal.

(2) At any time before the grant or refusal of the application the Minister may by notice served upon the applicant for such renewal or further renewal vary any of the provisions of such lease (not being a provision relating to the rent or royalty payable thereunder) and the lease shall continue in full force and effect as aforesaid subject to any such variations.

(3)

Mining (Renewal of Leases) Amendment.

(3) Upon the grant or refusal of the application the Governor may vary the amount of the rent and royalty payable by the holder of the lease during the period the lease was continued in full force and effect by this section.

If the rent or royalty paid by the holder in respect of that period—

- (a) was less than the rent or royalty, as the case may be, as varied by the Governor as aforesaid, the applicant for such renewal or further renewal shall be liable to pay the difference on demand; or
- (b) was greater than the rent or royalty, as the case may be, as varied by the Governor as aforesaid, the difference shall be refunded to the applicant for such renewal or further renewal.

3. The Petroleum Act, 1955, is amended—

- (a) by inserting in subsection two of section eighteen after the words “renewal thereof,” the words “and not later than one month before the expiry of such license or renewal,”;
- (b) by inserting in subsection two of section twenty-four after the words “renewal thereof,” the words “and not later than one month before the expiry of such license or renewal,”;
- (c) by inserting next after section thirty the following new section :—
- 30A. (1) Where in accordance with any regulations in that behalf an application is made for the renewal or further renewal of a lease granted under any of the provisions of this Act and the application has not been granted or refused before the expiry thereof the lease shall, subject to this section, continue in full force and effect until the application is
- Amendment of Act No. 28, 1955.
- Sec. 18. (Term of petroleum exploration license and renewal.)
- Sec. 24. (Term of petroleum prospecting license and renewal.)
- New sec. 30A. Operation of lease during pendency of application for renewal.

Mining (Renewal of Leases) Amendment.

is granted or refused, and the Governor may grant or refuse such application notwithstanding that the term for which the lease, or any renewal thereof, was granted has expired.

5 (2) At any time before the grant or refusal of the application the Minister may by notice served upon the applicant for such renewal or further renewal vary any of the provisions of such lease (not being a provision relating to the rent or 10 royalty payable thereunder) and the lease shall continue in full force and effect as aforesaid subject to any such variations.

15 (3) Upon the grant or refusal of the application the Governor may vary the amount of the rent and royalty payable by the holder of the lease during the period the lease was continued in full force and effect by this section.

If the rent or royalty paid by the holder in respect of that period—

20 (a) was less than the rent or royalty, as the case may be, as varied by the Governor as aforesaid, the applicant for such renewal or further renewal shall be liable to pay the difference on demand; or

25 (b) was greater than the rent or royalty, as the case may be, as varied by the Governor as aforesaid, the difference shall be refunded to the applicant for such renewal or further renewal.

30 4. (1) The provisions of—

(a) section 107A of the Principal Act, as amended by this Act, shall apply and be deemed always to have applied to and in respect of any application made before the commencement of this Act for the 35 renewal or further renewal of any lease granted under

Validation of certain mining operations and renewals of leases.

Mining (Renewal of Leases) Amendment.

under any of the provisions of the Principal Act or of any Act repealed by that Act, and to and in respect of the lease the subject of the application;

- 5 (b) section 30A of the Petroleum Act, 1955, as amended by this Act, shall apply and be deemed always to have applied to and in respect of any application made before the commencement of this Act for the renewal or further renewal of any lease granted under the provisions of that Act, as so amended, and to and in respect of the lease the subject of the application,

10 whether or not such application was, or purported to be, granted or refused before such commencement.

- (2) The Governor and the Minister shall be deemed to be and always to have been empowered to exercise in relation to the application for any such renewal or further renewal or to any such lease or the holder of any such lease the powers conferred upon them respectively by the said section 107A or 30A, as the case may be.

- 20 (3) Notwithstanding the terms of any renewal or further renewal, purporting to have been granted before the commencement of this Act, of a lease the term or renewed term of which had expired, such renewal or further renewal shall be deemed to have commenced and taken effect upon the date of execution thereof by the Governor and shall be deemed to have been, or shall be, as the case may be, in force until the expiration of the period for which the renewal or further renewal is expressed to have been granted.

- 30 5. (1) Nothing in section four of this Act shall apply or be deemed ever to have applied to or in respect of the applications made by Associated Minerals Pty. Limited for the renewal of the leases granted to it by the Governor pursuant to the provisions of the Principal Act—

Exclusion of certain mining operations from validating provisions.

- 35 (a) on the eighth day of September, one thousand nine hundred and fifty-eight, of the land described as portion PML 11 in the plan catalogued M.21561 in the Department of Mines; and

(b)

Mining (Renewal of Leases) Amendment.

(b) on the tenth day of July, one thousand nine hundred and fifty-nine, of the land described as portion PML 12 in the plan catalogued M.21562 in the Department of Mines,

5 in so far as the application for the renewal of either such lease related to land which during the period from the expiration of the lease concerned until the twenty-first day of June, one thousand nine hundred and sixty, was owned by, or in which any minerals were during that period owned by,
10 N.S.W. Rutile Mining Company Pty. Limited.

(2) For the purposes of sections four and five of this Act the lease granted to Associated Minerals Pty. Limited by the Governor pursuant to the provisions of the Principal Act—

15 (a) on the eighth day of September, one thousand nine hundred and fifty-eight, shall be deemed to be and always to have been two separate leases containing the same terms and conditions as the lease so granted,—

20 (i) one of such leases being of such part of the land described as portion PML 11 in the plan catalogued M.21561 in the Department of Mines as was during the term of the lease so granted owned by, or as
25 during that term contained any minerals owned by, N.S.W. Rutile Mining Company Pty. Limited; and

(ii) the other of such leases being of the residue of the land so described; and

30 (b) on the tenth day of July, one thousand nine hundred and fifty-nine, shall be deemed to be and always to have been two separate leases containing the same terms and conditions as the lease so granted,—

35 (i) one of such leases being of such part of the land described as portion PML 12 in the plan catalogued M.21562 in the Department of Mines as was during the term of the lease

Mining (Renewal of Leases) Amendment.

lease so granted owned by, or as during that term contained any minerals owned by, N.S.W. Rutile Mining Company Pty. Limited; and

- 5 (ii) the other of such leases being of the residue of the land so described,

and the said Associated Minerals Pty. Limited shall be deemed to have made separate applications for the renewal of each such separate lease upon the day upon which it
10 applied for the renewal of the lease of the said portion PML 11 or the said portion PML 12, as the case may be.

Nothing in this subsection shall affect the operation of section four of this Act in relation to the separate application deemed to have been made for the renewal of the separate
15 leases referred to in subparagraph (ii) of paragraph (a) or (b) of this subsection.

6. (1) Any extension or further extension, purporting to have been granted by the Minister before the commencement of this Act, of an authority to prospect granted under section
20 seventeen of the Principal Act shall, notwithstanding that it was or purported to be granted after the expiry of the authority or of the authority as previously extended, as the case may be, be deemed to be and always to have been as valid and effectual as it would have been had it been granted
25 immediately before such expiry to take effect on and from such expiry.

Validations of extensions of authorities to prospect, and renewals of petroleum exploration licenses and petroleum prospecting licenses.

(2) Any renewal or further renewal, purporting to have been granted by the Minister before the commencement of this Act, of any petroleum exploration license or petroleum
30 prospecting license granted under the Petroleum Act, 1955, shall, notwithstanding that it was or purported to be granted after the expiry of the license of which it purported to be a renewal or of such license as previously renewed, as the case may be, be deemed to be and always to have been as valid
35 and effectual as it would have been had it been granted immediately before such expiry to take effect on and from such expiry.

Mining (Renewal of Leases) Amendment.

7. (1) Associated Minerals Pty. Limited shall be liable to pay in accordance with the provisions, relating to the payment of rents and royalties, of Part V of the Principal Act—

Rents and royalties payable in respect of mining operations on certain land owned by N.S.W. Rutile Mining Company Pty. Limited.

(a) in respect of—

5 (i) the land described as portion PML 11 in the plan catalogued M.21561 in the Department of Mines which during the period from the eighth day of September, one thousand nine hundred and fifty-eight, to the twentieth day of June, one thousand nine hundred and sixty, was owned by, or in which any minerals were during that period owned by, N.S.W. Rutile Mining Company Pty. Limited rent for that period at the rate of ten shillings per annum per acre of such land;

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(ii) that part of the land described as portion PML 12 in the plan catalogued M.21562 in the Department of Mines which during the period from the tenth day of July, one thousand nine hundred and fifty-nine, to the twenty-first day of June, one thousand nine hundred and sixty, was owned by, or in which any minerals were during that period owned by, N.S.W. Rutile Mining Company Pty. Limited and on which any mining operations or works incidental thereto were carried on by the said Associated Minerals Pty. Limited at any time during that period, rent for that period at the rate of ten shillings per annum per acre of such land;

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25

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(b) in respect of rutile and zircon won—

(i) during the period from the eighth day of September, one thousand nine hundred and fifty-eight, to the twenty-first day of June, one thousand nine hundred and sixty, from the land described as portion PML 11 in the plan catalogued M.21561 in the Department

35

Mining (Renewal of Leases) Amendment.

Department of Mines, royalties in the total sum of eleven thousand and thirteen pounds thirteen shillings and threepence;

- 5 (ii) during the period from the tenth day of July, one thousand nine hundred and fifty-nine, to the twenty-first day of June, one thousand nine hundred and sixty, from such part of the land described as portion PML 12 in the plan catalogued M.21562
10 in the Department of Mines on which any mining operations or works incidental thereto were carried on by the said Associated Minerals Pty. Limited at any time during that period, royalties in the
15 total sum of two thousand eight hundred and twenty-eight pounds one shilling and threepence;

less any amount already paid by such company in respect of such rents and royalties, and such rents and royalties shall
20 be dealt with and paid out in accordance with the provisions of sections ninety-seven and ninety-eight of the Principal Act.

(2) For the purpose of dealing with and paying out such royalties the quantity of rutile and zircon won—

- 25 (a) during the period from the eighth day of September, one thousand nine hundred and fifty-eight, to the twenty-first day of June, one thousand nine hundred and sixty, from the land described as portion PML
30 11 in the plan catalogued M.21561 in the Department of Mines, shall be deemed to be the aggregate of the quantities shown in the returns dated the fourth day of March, one thousand nine hundred and fifty-nine, the twentieth day of January, one thousand nine hundred and sixty, and the sixteenth
35 day of January, one thousand nine hundred and sixty-one, and furnished in respect of such land by Associated Minerals Pty. Limited to the Minister, and shall be deemed to have been won in uniform quantities from every part of such land;

Mining (Renewal of Leases) Amendment.

- (b) during the period from the tenth day of July, one thousand nine hundred and fifty-nine, to the twenty-first day of June, one thousand nine hundred and sixty, from that part of the land described as portion PML 12 in the plan catalogued M.21562 in the Department of Mines on which any mining operations or works incidental thereto were carried on by the said Associated Minerals Pty. Limited at any time during that period, shall be deemed to be the quantities shown in the return dated the sixteenth day of January, one thousand nine hundred and sixty-one, and furnished in respect of such land by the said Associated Minerals Pty. Limited to the Minister, and shall be deemed to have been won in uniform quantities from every part of such land.

8. In assessing any damages for which Associated Minerals Pty. Limited, or any director, officer or servant of that company, may be liable by reason of anything done or omitted to be done (including, but without limiting the generality of the foregoing, the extraction and removal of any minerals) on or in respect of—
- (a) the land referred to in subparagraph (i) of paragraph (a) of section seven of this Act during the period referred to in that subparagraph; or
- (b) the land referred to in subparagraph (ii) of the said paragraph during the period referred to in that subparagraph,

Associated Minerals Pty. Limited not to be liable for exemplary damages in respect of certain mining operations.

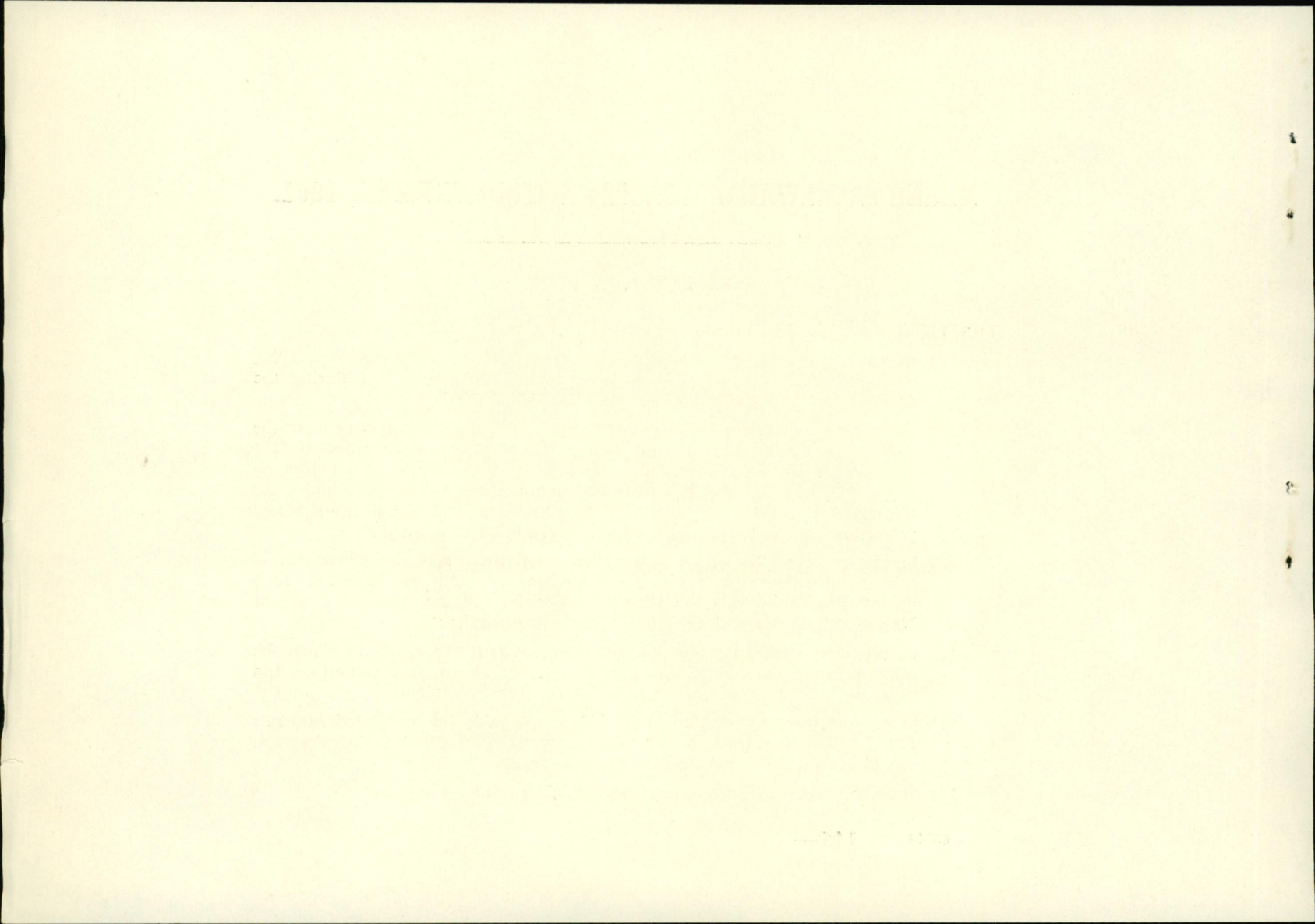
no amount shall be awarded by way of exemplary damages.

MINING (RENEWAL OF LEASES) AMENDMENT BILL, 1961.

EXPLANATORY NOTE.

THE objects of this Bill are:—

- (a) to make provisions in the Mining Act, 1906, and the Petroleum Act, 1955, so as to continue in force any lease under either such Act during the pendency of any application for the renewal of the lease;
- (b) to validate mining operations carried out before the commencement of the Act to give effect to this Bill during the pendency of applications for renewals of leases granted under the Mining Act, 1906, or the Petroleum Act, 1955, and to validate extensions of authorities to prospect under the Mining Act, 1906, and extensions of petroleum exploration licenses and petroleum prospecting licenses under the Petroleum Act, 1955;
- (c) to exempt from the validation referred to in paragraph (b) above certain mining operations carried on by Associated Minerals Pty. Limited, such operations having been the subject of decisions of the Supreme Court of New South Wales and the High Court of Australia;
- (d) to provide for the payment of rents in respect of the lands on which the mining operations referred to in paragraph (c) above were carried on and royalties in respect of the minerals taken from such lands;
- (e) to provide that any assessment of damages payable by Associated Minerals Pty. Limited in respect of the mining operations referred to in paragraph (c) above shall not include exemplary damages;
- (f) to make other provisions of a consequential or ancillary nature.



PROOF

No. , 1961.

A BILL

To make further provisions with respect to the renewal of leases granted under the Mining Act, 1906, as amended by subsequent Acts, and the Petroleum Act, 1955; for this and other purposes to amend the Mining Act, 1906, as so amended, and the Petroleum Act, 1955; to validate certain matters; to make provision with respect to damages that may be payable by Associated Minerals Pty. Limited in respect of mining operations carried on by that company on certain land owned by N.S.W. Rutile Mining Company Pty. Limited; and for purposes connected therewith.

[MR. SIMPSON;—28 November, 1961.]

BE

Mining (Renewal of Leases) Amendment.

BE it enacted by the Queen'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 (Renewal of Leases) Amendment Act, 1961".

Short title and citation.

(2) The Mining Act, 1906, as amended by subsequent Acts and by this Act, may be cited as the Mining Act, 1906-1961.

(3) The Mining Act, 1906, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(4) The Petroleum Act, 1955, as amended by this Act, may be cited as the Petroleum Act, 1955-1961.

2. The Principal Act is amended by inserting next after section one hundred and seven the following short heading and new section :—

Amendment of Act No. 49, 1906.
New sec. 107A.

Renewals of Leases.

107A. (1) Where in accordance with any regulations in that behalf an application is made for the renewal or further renewal of a lease granted under any of the provisions of this Act or of any Act repealed by this Act and the application has not been granted or refused before the expiry thereof, the lease shall, subject to this section, continue in full force and effect until the application is granted or refused, and the Governor may grant or refuse such application notwithstanding that the term for which the lease, or any renewal thereof, was granted has expired.

Operation of lease during pendency of application for renewal.

(2) At any time before the grant or refusal of the application the Minister may by notice served upon the applicant for such renewal or further renewal vary any of the provisions of such lease (not being a provision relating to the rent or royalty payable thereunder) and the lease shall continue in full force and effect as aforesaid subject to any such variations.

(3)

Mining (Renewal of Leases) Amendment.

(3) Upon the grant or refusal of the application the Governor may vary the amount of the rent and royalty payable by the holder of the lease during the period the lease was continued in full force and effect by this section.

If the rent or royalty paid by the holder in respect of that period—

- (a) was less than the rent or royalty, as the case may be, as varied by the Governor as aforesaid, the applicant for such renewal or further renewal shall be liable to pay the difference on demand; or
- (b) was greater than the rent or royalty, as the case may be, as varied by the Governor as aforesaid, the difference shall be refunded to the applicant for such renewal or further renewal.

3. The Petroleum Act, 1955, is amended—

- (a) by inserting in subsection two of section eighteen after the words “renewal thereof,” the words “and not later than one month before the expiry of such license or renewal,”;
- (b) by inserting in subsection two of section twenty-four after the words “renewal thereof,” the words “and not later than one month before the expiry of such license or renewal,”;
- (c) by inserting next after section thirty the following new section :—
- 30A. (1) Where in accordance with any regulations in that behalf an application is made for the renewal or further renewal of a lease granted under any of the provisions of this Act and the application has not been granted or refused before the expiry thereof the lease shall, subject to this section, continue in full force and effect until the application is

Amendment
of Act No.
28, 1955.

Sec. 18.
(Term of
petroleum
exploration
license and
renewal.)

Sec. 24.
(Term of
petroleum
prospecting
license and
renewal.)

New
sec. 30A.

Operation of
lease during
pendency of
application
for renewal.

is

Mining (Renewal of Leases) Amendment.

is granted or refused, and the Governor may grant or refuse such application notwithstanding that the term for which the lease, or any renewal thereof, was granted has expired.

5 (2) At any time before the grant or refusal
of the application the Minister may by notice
served upon the applicant for such renewal or
further renewal vary any of the provisions of such
lease (not being a provision relating to the rent or
10 royalty payable thereunder) and the lease shall
continue in full force and effect as aforesaid subject
to any such variations.

15 (3) Upon the grant or refusal of the
application the Governor may vary the amount of
the rent and royalty payable by the holder of the
lease during the period the lease was continued in
full force and effect by this section.

If the rent or royalty paid by the holder in respect
of that period—

20 (a) was less than the rent or royalty, as the case
may be, as varied by the Governor as
aforesaid, the applicant for such renewal
or further renewal shall be liable to pay the
difference on demand; or

25 (b) was greater than the rent or royalty, as the
case may be, as varied by the Governor as
aforesaid, the difference shall be refunded
to the applicant for such renewal or further
renewal.

30 **4.** (1) The provisions of—

(a) section 107A of the Principal Act, as amended by
this Act, shall apply and be deemed always to have
applied to and in respect of any application made
before the commencement of this Act for the
35 renewal or further renewal of any lease granted
under

Validation
of certain
mining
operations
and renewals
of leases.

Mining (Renewal of Leases) Amendment.

under any of the provisions of the Principal Act or of any Act repealed by that Act, and to and in respect of the lease the subject of the application ;

5 (b) section 30A of the Petroleum Act, 1955, as amended by this Act, shall apply and be deemed always to have applied to and in respect of any application made before the commencement of this Act for the renewal or further renewal of any lease granted under the provisions of that Act, as so amended, and to and in respect of the lease the subject of the application, 10

whether or not such application was, or purported to be, granted or refused before such commencement.

(2) The Governor and the Minister shall be deemed 15 to be and always to have been empowered to exercise in relation to the application for any such renewal or further renewal or to any such lease or the holder of any such lease the powers conferred upon them respectively by the said section 107A or 30A, as the case may be.

20 (3) Notwithstanding the terms of any renewal or further renewal, purporting to have been granted before the commencement of this Act, of a lease the term or renewed term of which had expired, such renewal or further renewal shall be deemed to have commenced and taken effect upon 25 the date of execution thereof by the Governor and shall be deemed to have been, or shall be, as the case may be, in force until the expiration of the period for which the renewal or further renewal is expressed to have been granted.

5. (1) Nothing in section four of this Act shall apply 30 or be deemed ever to have applied to or in respect of the applications made by Associated Minerals Pty. Limited for the renewal of the leases granted to it by the Governor pursuant to the provisions of the Principal Act—

Exclusion of certain mining operations from validating provisions.

35 (a) on the eighth day of September, one thousand nine hundred and fifty-eight, of the land described as portion PML 11 in the plan catalogued M.21561 in the Department of Mines ; and

(b)

Mining (Renewal of Leases) Amendment.

(b) on the tenth day of July, one thousand nine hundred and fifty-nine, of the land described as portion PML 12 in the plan catalogued M.21562 in the Department of Mines,

5 in so far as the application for the renewal of either such lease related to land which during the period from the expiration of the lease concerned until the twenty-first day of June, one thousand nine hundred and sixty, was owned by, or in which any minerals were during that period owned by,
10 N.S.W. Rutile Mining Company Pty. Limited.

(2) For the purposes of sections four and five of this Act the lease granted to Associated Minerals Pty. Limited by the Governor pursuant to the provisions of the Principal Act—

15 (a) on the eighth day of September, one thousand nine hundred and fifty-eight, shall be deemed to be and always to have been two separate leases containing the same terms and conditions as the lease so granted,—

20 (i) one of such leases being of such part of the land described as portion PML 11 in the plan catalogued M.21561 in the Department of Mines as was during the term of the lease so granted owned by, or as
25 during that term contained any minerals owned by, N.S.W. Rutile Mining Company Pty. Limited; and

(ii) the other of such leases being of the residue of the land so described; and

30 (b) on the tenth day of July, one thousand nine hundred and fifty-nine, shall be deemed to be and always to have been two separate leases containing the same terms and conditions as the lease so granted,—

35 (i) one of such leases being of such part of the land described as portion PML 12 in the plan catalogued M.21562 in the Department of Mines as was during the term of the lease
lease

Mining (Renewal of Leases) Amendment.

lease so granted owned by, or as during that term contained any minerals owned by, N.S.W. Rutile Mining Company Pty. Limited; and

- 5 (ii) the other of such leases being of the residue of the land so described,

and the said Associated Minerals Pty. Limited shall be deemed to have made separate applications for the renewal of each such separate lease upon the day upon which it
10 applied for the renewal of the lease of the said portion PML 11 or the said portion PML 12, as the case may be.

Nothing in this subsection shall affect the operation of section four of this Act in relation to the separate application deemed to have been made for the renewal of the separate
15 leases referred to in subparagraph (ii) of paragraph (a) or (b) of this subsection.

6. (1) Any extension or further extension, purporting to have been granted by the Minister before the commencement of this Act, of an authority to prospect granted under section
20 seventeen of the Principal Act shall, notwithstanding that it was or purported to be granted after the expiry of the authority or of the authority as previously extended, as the case may be, be deemed to be and always to have been as valid and effectual as it would have been had it been granted
25 immediately before such expiry to take effect on and from such expiry.

Validations of extensions of authorities to prospect, and renewals of petroleum exploration licenses and petroleum prospecting licenses.

(2) Any renewal or further renewal, purporting to have been granted by the Minister before the commencement of this Act, of any petroleum exploration license or petroleum
30 prospecting license granted under the Petroleum Act, 1955, shall, notwithstanding that it was or purported to be granted after the expiry of the license of which it purported to be a renewal or of such license as previously renewed, as the case may be, be deemed to be and always to have been as valid
35 and effectual as it would have been had it been granted immediately before such expiry to take effect on and from such expiry.

Mining (Renewal of Leases) Amendment.

7. (1) Associated Minerals Pty. Limited shall be liable to pay in accordance with the provisions, relating to the payment of rents and royalties, of Part V of the Principal Act—

Rents and royalties payable in respect of mining operations on certain land owned by N.S.W. Rutile Mining Company Pty. Limited.

(a) in respect of—

- 5 (i) the land described as portion PML 11 in the plan catalogued M.21561 in the Department of Mines which during the period from the eighth day of September, one thousand nine hundred and fifty-eight, to the twentieth day of June, one thousand nine hundred and sixty, was owned by, or in which any minerals were during that period owned by, N.S.W. Rutile Mining Company Pty. Limited rent for that period at the rate of ten shillings per annum per acre of such land;
- 10
- 15
- 20 (ii) that part of the land described as portion PML 12 in the plan catalogued M.21562 in the Department of Mines which during the period from the tenth day of July, one thousand nine hundred and fifty-nine, to the twenty-first day of June, one thousand nine hundred and sixty, was owned by, or in which any minerals were during that period owned by, N.S.W. Rutile Mining Company Pty. Limited and on which any mining operations or works incidental thereto were carried on by the said Associated Minerals Pty. Limited at any time during that period, rent for that period at the rate of ten shillings per annum per acre of such land;
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(b) in respect of rutile and zircon won—

- 35 (i) during the period from the eighth day of September, one thousand nine hundred and fifty-eight, to the twenty-first day of June, one thousand nine hundred and sixty, from the land described as portion PML 11 in the plan catalogued M.21561 in the Department

Mining (Renewal of Leases) Amendment.

Department of Mines, royalties in the total sum of eleven thousand and thirteen pounds thirteen shillings and threepence;

- 5 (ii) during the period from the tenth day of July, one thousand nine hundred and fifty-nine, to the twenty-first day of June, one thousand nine hundred and sixty, from such part of the land described as portion PML 12 in the plan catalogued M.21562 in the Department of Mines on which any mining operations or works incidental thereto were carried on by the said Associated Minerals Pty. Limited at any time during that period, royalties in the total sum of two thousand eight hundred and twenty-eight pounds one shilling and threepence;
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- 15

less any amount already paid by such company in respect of such rents and royalties, and such rents and royalties shall be dealt with and paid out in accordance with the provisions of sections ninety-seven and ninety-eight of the Principal Act.

20

(2) For the purpose of dealing with and paying out such royalties the quantity of rutile and zircon won—

- 25 (a) during the period from the eighth day of September, one thousand nine hundred and fifty-eight, to the twenty-first day of June, one thousand nine hundred and sixty, from the land described as portion PML 11 in the plan catalogued M.21561 in the Department of Mines, shall be deemed to be the aggregate of the quantities shown in the returns dated the fourth day of March, one thousand nine hundred and fifty-nine, the twentieth day of January, one thousand nine hundred and sixty, and the sixteenth day of January, one thousand nine hundred and sixty-one, and furnished in respect of such land by Associated Minerals Pty. Limited to the Minister, and shall be deemed to have been won in uniform quantities from every part of such land;
- 30
- 35

Mining (Renewal of Leases) Amendment.

- 5 (b) during the period from the tenth day of July, one thousand nine hundred and fifty-nine, to the twenty-first day of June, one thousand nine hundred and sixty, from that part of the land described as
 10 portion PML 12 in the plan catalogued M.21562 in the Department of Mines on which any mining operations or works incidental thereto were carried on by the said Associated Minerals Pty. Limited at any time during that period, shall be deemed to be
 15 the quantities shown in the return dated the sixteenth day of January, one thousand nine hundred and sixty-one, and furnished in respect of such land by the said Associated Minerals Pty. Limited to the Minister, and shall be deemed to have been won in uniform quantities from every part of such land.

8. In assessing any damages for which Associated Minerals Pty. Limited, or any director, officer or servant of that company, may be liable by reason of anything done or omitted to be done (including, but without limiting the
 20 generality of the foregoing, the extraction and removal of any minerals) on or in respect of—
- (a) the land referred to in subparagraph (i) of paragraph (a) of section seven of this Act during the period referred to in that subparagraph; or
 25 (b) the land referred to in subparagraph (ii) of the said paragraph during the period referred to in that subparagraph,

Associated Minerals Pty. Limited not to be liable for exemplary damages in respect of certain mining operations.

no amount shall be awarded by way of exemplary damages.

New South Wales



ANNO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 59, 1961.

An Act to make further provisions with respect to the renewal of leases granted under the Mining Act, 1906, as amended by subsequent Acts, and the Petroleum Act, 1955; for this and other purposes to amend the Mining Act, 1906, as so amended, and the Petroleum Act, 1955; to validate certain matters; to make provision with respect to damages that may be payable by Associated Minerals Pty. Limited in respect of mining operations carried on by that company on certain land owned by N.S.W. Rutile Mining Company Pty. Limited; and for purposes connected therewith. [Assented to, 11th December, 1961.]

BE

Mining (Renewal of Leases) Amendment.

BE it enacted by the Queen'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:—

Short title
and
citation.

1. (1) This Act may be cited as the "Mining (Renewal of Leases) Amendment Act, 1961".

(2) The Mining Act, 1906, as amended by subsequent Acts and by this Act, may be cited as the Mining Act, 1906-1961.

(3) The Mining Act, 1906, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(4) The Petroleum Act, 1955, as amended by this Act, may be cited as the Petroleum Act, 1955-1961.

Amendment
of Act No.
49, 1906.
New
sec. 107A.

2. The Principal Act is amended by inserting next after section one hundred and seven the following short heading and new section:—

Renewals of Leases.

Operation
of lease
during
pendency of
application
for renewal.

107A. (1) Where in accordance with any regulations in that behalf an application is made for the renewal or further renewal of a lease granted under any of the provisions of this Act or of any Act repealed by this Act and the application has not been granted or refused before the expiry thereof, the lease shall, subject to this section, continue in full force and effect until the application is granted or refused, and the Governor may grant or refuse such application notwithstanding that the term for which the lease, or any renewal thereof, was granted has expired.

(2) At any time before the grant or refusal of the application the Minister may by notice served upon the applicant for such renewal or further renewal vary any of the provisions of such lease (not being a provision relating to the rent or royalty payable thereunder) and the lease shall continue in full force and effect as aforesaid subject to any such variations.

(3)

Mining (Renewal of Leases) Amendment.

(3) Upon the grant or refusal of the application the Governor may vary the amount of the rent and royalty payable by the holder of the lease during the period the lease was continued in full force and effect by this section.

If the rent or royalty paid by the holder in respect of that period—

- (a) was less than the rent or royalty, as the case may be, as varied by the Governor as aforesaid, the applicant for such renewal or further renewal shall be liable to pay the difference on demand; or
- (b) was greater than the rent or royalty, as the case may be, as varied by the Governor as aforesaid, the difference shall be refunded to the applicant for such renewal or further renewal.

3. The Petroleum Act, 1955, is amended—

- (a) by inserting in subsection two of section eighteen after the words "renewal thereof," the words "and not later than one month before the expiry of such license or renewal,";
- (b) by inserting in subsection two of section twenty-four after the words "renewal thereof," the words "and not later than one month before the expiry of such license or renewal,";
- (c) by inserting next after section thirty the following new section :—

Amendment of Act No. 28, 1955.

Sec. 18. (Term of petroleum exploration license and renewal.)

Sec. 24. (Term of petroleum prospecting license and renewal.)

New sec. 30A.

30A. (1) Where in accordance with any regulations in that behalf an application is made for the renewal or further renewal of a lease granted under any of the provisions of this Act and the application has not been granted or refused before the expiry thereof the lease shall, subject to this section, continue in full force and effect until the application

Operation of lease during pendency of application for renewal.

is

Mining (Renewal of Leases) Amendment.

is granted or refused, and the Governor may grant or refuse such application notwithstanding that the term for which the lease, or any renewal thereof, was granted has expired.

(2) At any time before the grant or refusal of the application the Minister may by notice served upon the applicant for such renewal or further renewal vary any of the provisions of such lease (not being a provision relating to the rent or royalty payable thereunder) and the lease shall continue in full force and effect as aforesaid subject to any such variations.

(3) Upon the grant or refusal of the application the Governor may vary the amount of the rent and royalty payable by the holder of the lease during the period the lease was continued in full force and effect by this section.

If the rent or royalty paid by the holder in respect of that period—

- (a) was less than the rent or royalty, as the case may be, as varied by the Governor as aforesaid, the applicant for such renewal or further renewal shall be liable to pay the difference on demand; or
- (b) was greater than the rent or royalty, as the case may be, as varied by the Governor as aforesaid, the difference shall be refunded to the applicant for such renewal or further renewal.

Validation
of certain
mining
operations
and renewals
of leases.

4. (1) The provisions of—

- (a) section 107A of the Principal Act, as amended by this Act, shall apply and be deemed always to have applied to and in respect of any application made before the commencement of this Act for the renewal or further renewal of any lease granted under

Mining (Renewal of Leases) Amendment.

under any of the provisions of the Principal Act or of any Act repealed by that Act, and to and in respect of the lease the subject of the application;

- (b) section 30A of the Petroleum Act, 1955, as amended by this Act, shall apply and be deemed always to have applied to and in respect of any application made before the commencement of this Act for the renewal or further renewal of any lease granted under the provisions of that Act, as so amended, and to and in respect of the lease the subject of the application,

whether or not such application was, or purported to be, granted or refused before such commencement.

(2) The Governor and the Minister shall be deemed to be and always to have been empowered to exercise in relation to the application for any such renewal or further renewal or to any such lease or the holder of any such lease the powers conferred upon them respectively by the said section 107A or 30A, as the case may be.

(3) Notwithstanding the terms of any renewal or further renewal, purporting to have been granted before the commencement of this Act, of a lease the term or renewed term of which had expired, such renewal or further renewal shall be deemed to have commenced and taken effect upon the date of execution thereof by the Governor and shall be deemed to have been, or shall be, as the case may be, in force until the expiration of the period for which the renewal or further renewal is expressed to have been granted.

5. (1) Nothing in section four of this Act shall apply or be deemed ever to have applied to or in respect of the applications made by Associated Minerals Pty. Limited for the renewal of the leases granted to it by the Governor pursuant to the provisions of the Principal Act—

Exclusion of certain mining operations from validating provisions.

- (a) on the eighth day of September, one thousand nine hundred and fifty-eight, of the land described as portion PML 11 in the plan catalogued M.21561 in the Department of Mines; and

Mining (Renewal of Leases) Amendment.

- (b) on the tenth day of July, one thousand nine hundred and fifty-nine, of the land described as portion PML 12 in the plan catalogued M.21562 in the Department of Mines,

in so far as the application for the renewal of either such lease related to land which during the period from the expiration of the lease concerned until the twenty-first day of June, one thousand nine hundred and sixty, was owned by, or in which any minerals were during that period owned by, N.S.W. Rutile Mining Company Pty. Limited.

(2) For the purposes of sections four and five of this Act the lease granted to Associated Minerals Pty. Limited by the Governor pursuant to the provisions of the Principal Act—

- (a) on the eighth day of September, one thousand nine hundred and fifty-eight, shall be deemed to be and always to have been two separate leases containing the same terms and conditions as the lease so granted,—

(i) one of such leases being of such part of the land described as portion PML 11 in the plan catalogued M.21561 in the Department of Mines as was during the term of the lease so granted owned by, or as during that term contained any minerals owned by, N.S.W. Rutile Mining Company Pty. Limited; and

(ii) the other of such leases being of the residue of the land so described; and

- (b) on the tenth day of July, one thousand nine hundred and fifty-nine, shall be deemed to be and always to have been two separate leases containing the same terms and conditions as the lease so granted,—

(i) one of such leases being of such part of the land described as portion PML 12 in the plan catalogued M.21562 in the Department of Mines as was during the term of the lease

Mining (Renewal of Leases) Amendment.

lease so granted owned by, or as during that term contained any minerals owned by, N.S.W. Rutile Mining Company Pty. Limited; and

- (ii) the other of such leases being of the residue of the land so described,

and the said Associated Minerals Pty. Limited shall be deemed to have made separate applications for the renewal of each such separate lease upon the day upon which it applied for the renewal of the lease of the said portion PML 11 or the said portion PML 12, as the case may be.

Nothing in this subsection shall affect the operation of section four of this Act in relation to the separate application deemed to have been made for the renewal of the separate leases referred to in subparagraph (ii) of paragraph (a) or (b) of this subsection.

6. (1) Any extension or further extension, purporting to have been granted by the Minister before the commencement of this Act, of an authority to prospect granted under section seventeen of the Principal Act shall, notwithstanding that it was or purported to be granted after the expiry of the authority or of the authority as previously extended, as the case may be, be deemed to be and always to have been as valid and effectual as it would have been had it been granted immediately before such expiry to take effect on and from such expiry.

Validations of extensions of authorities to prospect, and renewals of petroleum exploration licenses and petroleum prospecting licenses.

(2) Any renewal or further renewal, purporting to have been granted by the Minister before the commencement of this Act, of any petroleum exploration license or petroleum prospecting license granted under the Petroleum Act, 1955, shall, notwithstanding that it was or purported to be granted after the expiry of the license of which it purported to be a renewal or of such license as previously renewed, as the case may be, be deemed to be and always to have been as valid and effectual as it would have been had it been granted immediately before such expiry to take effect on and from such expiry.

Mining (Renewal of Leases) Amendment.

Rents and royalties payable in respect of mining operations on certain land owned by N.S.W. Rutile Mining Company Pty. Limited.

7. (1) Associated Minerals Pty. Limited shall be liable to pay in accordance with the provisions, relating to the payment of rents and royalties, of Part V of the Principal Act—

(a) in respect of—

(i) the land described as portion PML 11 in the plan catalogued M.21561 in the Department of Mines which during the period from the eighth day of September, one thousand nine hundred and fifty-eight, to the twentieth day of June, one thousand nine hundred and sixty, was owned by, or in which any minerals were during that period owned by, N.S.W. Rutile Mining Company Pty. Limited rent for that period at the rate of ten shillings per annum per acre of such land;

(ii) that part of the land described as portion PML 12 in the plan catalogued M.21562 in the Department of Mines which during the period from the tenth day of July, one thousand nine hundred and fifty-nine, to the twenty-first day of June, one thousand nine hundred and sixty, was owned by, or in which any minerals were during that period owned by, N.S.W. Rutile Mining Company Pty. Limited and on which any mining operations or works incidental thereto were carried on by the said Associated Minerals Pty. Limited at any time during that period, rent for that period at the rate of ten shillings per annum per acre of such land;

(b) in respect of rutile and zircon won—

(i) during the period from the eighth day of September, one thousand nine hundred and fifty-eight, to the twenty-first day of June, one thousand nine hundred and sixty, from the land described as portion PML 11 in the plan catalogued M.21561 in the Department

Mining (Renewal of Leases) Amendment.

Department of Mines, royalties in the total sum of eleven thousand and thirteen pounds thirteen shillings and threepence;

- (ii) during the period from the tenth day of July, one thousand nine hundred and fifty-nine, to the twenty-first day of June, one thousand nine hundred and sixty, from such part of the land described as portion PML 12 in the plan catalogued M.21562 in the Department of Mines on which any mining operations or works incidental thereto were carried on by the said Associated Minerals Pty. Limited at any time during that period, royalties in the total sum of two thousand eight hundred and twenty-eight pounds one shilling and threepence;

less any amount already paid by such company in respect of such rents and royalties, and such rents and royalties shall be dealt with and paid out in accordance with the provisions of sections ninety-seven and ninety-eight of the Principal Act.

(2) For the purpose of dealing with and paying out such royalties the quantity of rutile and zircon won—

- (a) during the period from the eighth day of September, one thousand nine hundred and fifty-eight, to the twenty-first day of June, one thousand nine hundred and sixty, from the land described as portion PML 11 in the plan catalogued M.21561 in the Department of Mines, shall be deemed to be the aggregate of the quantities shown in the returns dated the fourth day of March, one thousand nine hundred and fifty-nine, the twentieth day of January, one thousand nine hundred and sixty, and the sixteenth day of January, one thousand nine hundred and sixty-one, and furnished in respect of such land by Associated Minerals Pty. Limited to the Minister, and shall be deemed to have been won in uniform quantities from every part of such land;

(b)

Mining (Renewal of Leases) Amendment.

- (b) during the period from the tenth day of July, one thousand nine hundred and fifty-nine, to the twenty-first day of June, one thousand nine hundred and sixty, from that part of the land described as portion PML 12 in the plan catalogued M.21562 in the Department of Mines on which any mining operations or works incidental thereto were carried on by the said Associated Minerals Pty. Limited at any time during that period, shall be deemed to be the quantities shown in the return dated the sixteenth day of January, one thousand nine hundred and sixty-one, and furnished in respect of such land by the said Associated Minerals Pty. Limited to the Minister, and shall be deemed to have been won in uniform quantities from every part of such land.

Associated Minerals Pty. Limited not to be liable for exemplary damages in respect of certain mining operations.

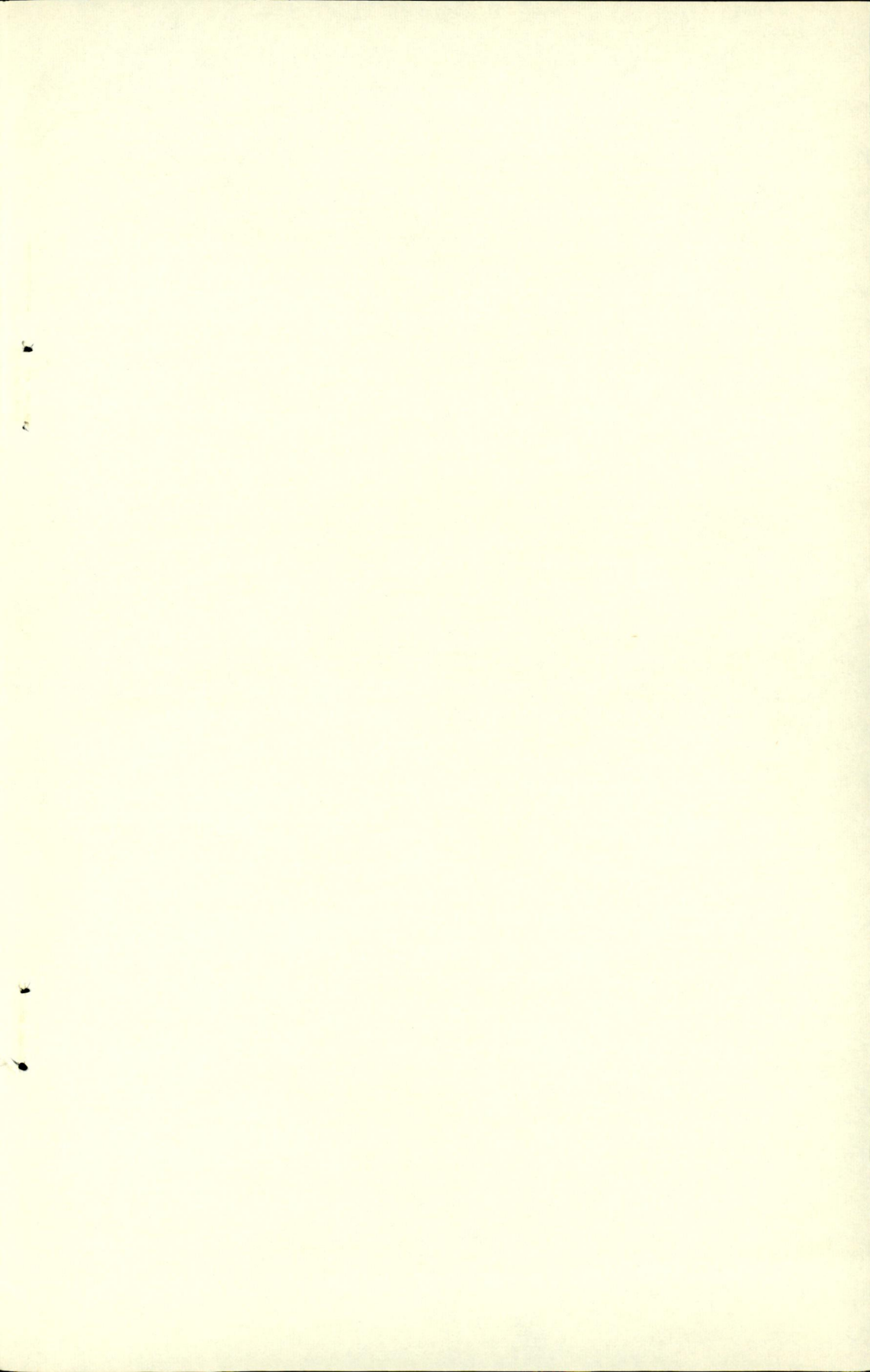
8. In assessing any damages for which Associated Minerals Pty. Limited, or any director, officer or servant of that company, may be liable by reason of anything done or omitted to be done (including, but without limiting the generality of the foregoing, the extraction and removal of any minerals) on or in respect of—

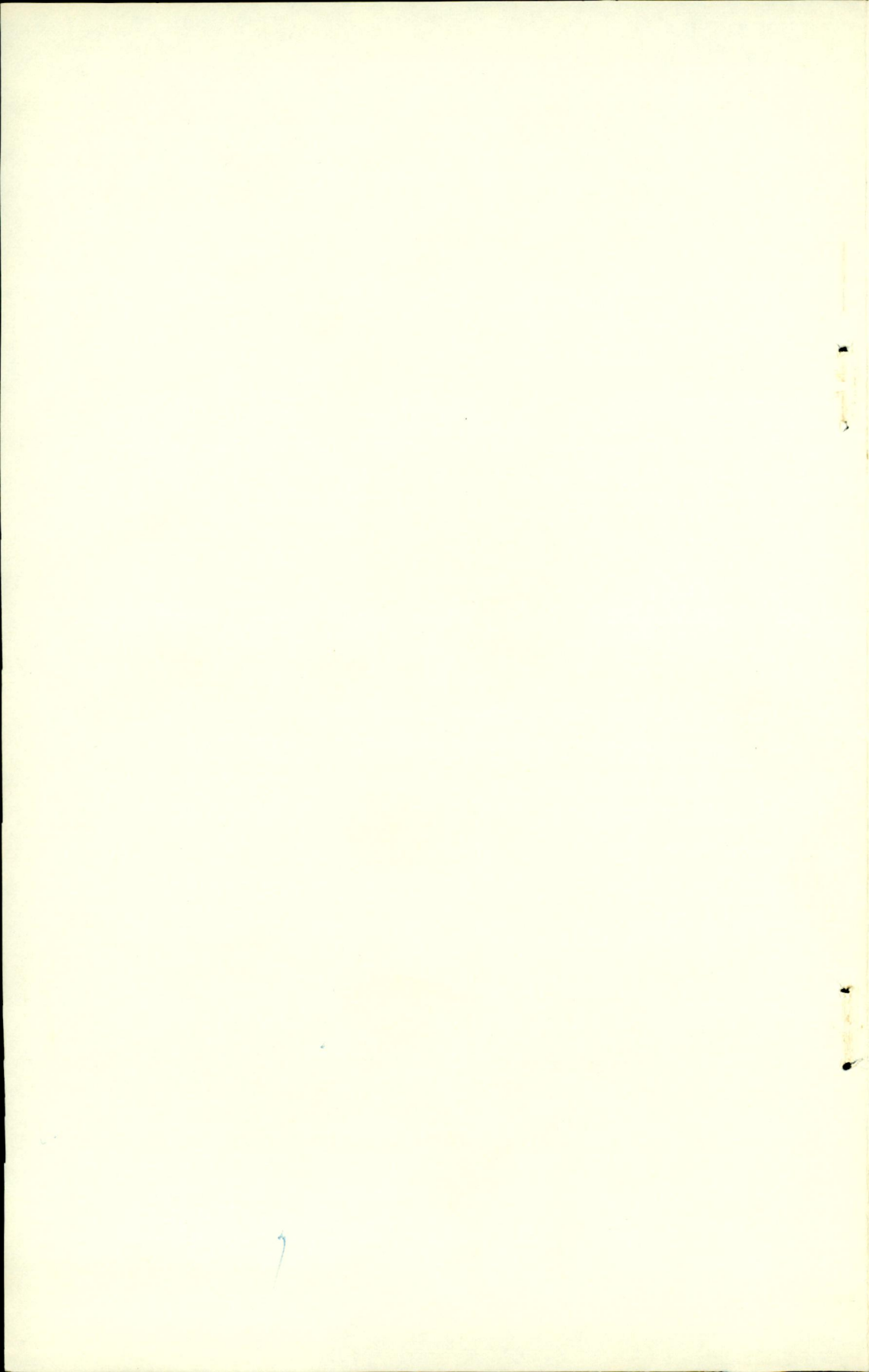
- (a) the land referred to in subparagraph (i) of paragraph (a) of section seven of this Act during the period referred to in that subparagraph; or
- (b) the land referred to in subparagraph (ii) of the said paragraph during the period referred to in that subparagraph,

no amount shall be awarded by way of exemplary damages.

By Authority:

V. C. N. BLIGHT, Government Printer, Sydney, 1962





I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 30 November, 1961.*

New South Wales



ANNO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 59, 1961.

An Act to make further provisions with respect to the renewal of leases granted under the Mining Act, 1906, as amended by subsequent Acts, and the Petroleum Act, 1955; for this and other purposes to amend the Mining Act, 1906, as so amended, and the Petroleum Act, 1955; to validate certain matters; to make provision with respect to damages that may be payable by Associated Minerals Pty. Limited in respect of mining operations carried on by that company on certain land owned by N.S.W. Rutile Mining Company Pty. Limited; and for purposes connected therewith. [Assented to, 11th December, 1961.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

HOWARD T. FOWLES,
Chairman of Committees of the Legislative Assembly.

Mining (Renewal of Leases) Amendment.

BE it enacted by the Queen'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:—

Short title
and
citation.

1. (1) This Act may be cited as the "Mining (Renewal of Leases) Amendment Act, 1961".

(2) The Mining Act, 1906, as amended by subsequent Acts and by this Act, may be cited as the Mining Act, 1906-1961.

(3) The Mining Act, 1906, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(4) The Petroleum Act, 1955, as amended by this Act, may be cited as the Petroleum Act, 1955-1961.

Amendment
of Act No.
49, 1906.
New
sec. 107A.

2. The Principal Act is amended by inserting next after section one hundred and seven the following short heading and new section:—

Renewals of Leases.

Operation
of lease
during
pendency of
application
for renewal.

107A. (1) Where in accordance with any regulations in that behalf an application is made for the renewal or further renewal of a lease granted under any of the provisions of this Act or of any Act repealed by this Act and the application has not been granted or refused before the expiry thereof, the lease shall, subject to this section, continue in full force and effect until the application is granted or refused, and the Governor may grant or refuse such application notwithstanding that the term for which the lease, or any renewal thereof, was granted has expired.

(2) At any time before the grant or refusal of the application the Minister may by notice served upon the applicant for such renewal or further renewal vary any of the provisions of such lease (not being a provision relating to the rent or royalty payable thereunder) and the lease shall continue in full force and effect as aforesaid subject to any such variations.

(3)

Mining (Renewal of Leases) Amendment.

(3) Upon the grant or refusal of the application the Governor may vary the amount of the rent and royalty payable by the holder of the lease during the period the lease was continued in full force and effect by this section.

If the rent or royalty paid by the holder in respect of that period—

- (a) was less than the rent or royalty, as the case may be, as varied by the Governor as aforesaid, the applicant for such renewal or further renewal shall be liable to pay the difference on demand; or
- (b) was greater than the rent or royalty, as the case may be, as varied by the Governor as aforesaid, the difference shall be refunded to the applicant for such renewal or further renewal.

3. The Petroleum Act, 1955, is amended—

- (a) by inserting in subsection two of section eighteen after the words "renewal thereof," the words "and not later than one month before the expiry of such license or renewal,";
- (b) by inserting in subsection two of section twenty-four after the words "renewal thereof," the words "and not later than one month before the expiry of such license or renewal,";
- (c) by inserting next after section thirty the following new section :—

Amendment
of Act No.
28, 1955.

Sec. 18.
(Term of
petroleum
exploration
license and
renewal.)

Sec. 24.
(Term of
petroleum
prospecting
license and
renewal.)

New
sec. 30A.

30A. (1) Where in accordance with any regulations in that behalf an application is made for the renewal or further renewal of a lease granted under any of the provisions of this Act and the application has not been granted or refused before the expiry thereof the lease shall, subject to this section, continue in full force and effect until the application

Operation of
lease during
pendency of
application
for renewal.

is

Mining (Renewal of Leases) Amendment.

is granted or refused, and the Governor may grant or refuse such application notwithstanding that the term for which the lease, or any renewal thereof, was granted has expired.

(2) At any time before the grant or refusal of the application the Minister may by notice served upon the applicant for such renewal or further renewal vary any of the provisions of such lease (not being a provision relating to the rent or royalty payable thereunder) and the lease shall continue in full force and effect as aforesaid subject to any such variations.

(3) Upon the grant or refusal of the application the Governor may vary the amount of the rent and royalty payable by the holder of the lease during the period the lease was continued in full force and effect by this section.

If the rent or royalty paid by the holder in respect of that period—

- (a) was less than the rent or royalty, as the case may be, as varied by the Governor as aforesaid, the applicant for such renewal or further renewal shall be liable to pay the difference on demand; or
- (b) was greater than the rent or royalty, as the case may be, as varied by the Governor as aforesaid, the difference shall be refunded to the applicant for such renewal or further renewal.

Validation
of certain
mining
operations
and renewals
of leases.

4. (1) The provisions of—

- (a) section 107A of the Principal Act, as amended by this Act, shall apply and be deemed always to have applied to and in respect of any application made before the commencement of this Act for the renewal or further renewal of any lease granted under

Mining (Renewal of Leases) Amendment.

- under any of the provisions of the Principal Act or of any Act repealed by that Act, and to and in respect of the lease the subject of the application ;
- (b) section 30A of the Petroleum Act, 1955, as amended by this Act, shall apply and be deemed always to have applied to and in respect of any application made before the commencement of this Act for the renewal or further renewal of any lease granted under the provisions of that Act, as so amended, and to and in respect of the lease the subject of the application,

whether or not such application was, or purported to be, granted or refused before such commencement.

(2) The Governor and the Minister shall be deemed to be and always to have been empowered to exercise in relation to the application for any such renewal or further renewal or to any such lease or the holder of any such lease the powers conferred upon them respectively by the said section 107A or 30A, as the case may be.

(3) Notwithstanding the terms of any renewal or further renewal, purporting to have been granted before the commencement of this Act, of a lease the term or renewed term of which had expired, such renewal or further renewal shall be deemed to have commenced and taken effect upon the date of execution thereof by the Governor and shall be deemed to have been, or shall be, as the case may be, in force until the expiration of the period for which the renewal or further renewal is expressed to have been granted.

5. (1) Nothing in section four of this Act shall apply or be deemed ever to have applied to or in respect of the applications made by Associated Minerals Pty. Limited for the renewal of the leases granted to it by the Governor pursuant to the provisions of the Principal Act—

Exclusion of certain mining operations from validating provisions.

- (a) on the eighth day of September, one thousand nine hundred and fifty-eight, of the land described as portion PML 11 in the plan catalogued M.21561 in the Department of Mines; and

(b)

Mining (Renewal of Leases) Amendment.

- (b) on the tenth day of July, one thousand nine hundred and fifty-nine, of the land described as portion PML 12 in the plan catalogued M.21562 in the Department of Mines,

in so far as the application for the renewal of either such lease related to land which during the period from the expiration of the lease concerned until the twenty-first day of June, one thousand nine hundred and sixty, was owned by, or in which any minerals were during that period owned by, N.S.W. Rutile Mining Company Pty. Limited.

(2) For the purposes of sections four and five of this Act the lease granted to Associated Minerals Pty. Limited by the Governor pursuant to the provisions of the Principal Act—

- (a) on the eighth day of September, one thousand nine hundred and fifty-eight, shall be deemed to be and always to have been two separate leases containing the same terms and conditions as the lease so granted,—
- (i) one of such leases being of such part of the land described as portion PML 11 in the plan catalogued M.21561 in the Department of Mines as was during the term of the lease so granted owned by, or as during that term contained any minerals owned by, N.S.W. Rutile Mining Company Pty. Limited; and
 - (ii) the other of such leases being of the residue of the land so described; and
- (b) on the tenth day of July, one thousand nine hundred and fifty-nine, shall be deemed to be and always to have been two separate leases containing the same terms and conditions as the lease so granted,—
- (i) one of such leases being of such part of the land described as portion PML 12 in the plan catalogued M.21562 in the Department of Mines as was during the term of the lease

Mining (Renewal of Leases) Amendment.

lease so granted owned by, or as during that term contained any minerals owned by, N.S.W. Rutile Mining Company Pty. Limited; and

- (ii) the other of such leases being of the residue of the land so described,

and the said Associated Minerals Pty. Limited shall be deemed to have made separate applications for the renewal of each such separate lease upon the day upon which it applied for the renewal of the lease of the said portion PML 11 or the said portion PML 12, as the case may be.

Nothing in this subsection shall affect the operation of section four of this Act in relation to the separate application deemed to have been made for the renewal of the separate leases referred to in subparagraph (ii) of paragraph (a) or (b) of this subsection.

6. (1) Any extension or further extension, purporting to have been granted by the Minister before the commencement of this Act, of an authority to prospect granted under section seventeen of the Principal Act shall, notwithstanding that it was or purported to be granted after the expiry of the authority or of the authority as previously extended, as the case may be, be deemed to be and always to have been as valid and effectual as it would have been had it been granted immediately before such expiry to take effect on and from such expiry.

Validations of extensions of authorities to prospect, and renewals of petroleum exploration licenses and petroleum prospecting licenses.

(2) Any renewal or further renewal, purporting to have been granted by the Minister before the commencement of this Act, of any petroleum exploration license or petroleum prospecting license granted under the Petroleum Act, 1955, shall, notwithstanding that it was or purported to be granted after the expiry of the license of which it purported to be a renewal or of such license as previously renewed, as the case may be, be deemed to be and always to have been as valid and effectual as it would have been had it been granted immediately before such expiry to take effect on and from such expiry.

Mining (Renewal of Leases) Amendment.

Rents and royalties payable in respect of mining operations on certain land owned by N.S.W. Rutile Mining Company Pty. Limited.

7. (1) Associated Minerals Pty. Limited shall be liable to pay in accordance with the provisions, relating to the payment of rents and royalties, of Part V of the Principal Act—

(a) in respect of—

- (i) the land described as portion PML 11 in the plan catalogued M.21561 in the Department of Mines which during the period from the eighth day of September, one thousand nine hundred and fifty-eight, to the twentieth day of June, one thousand nine hundred and sixty, was owned by, or in which any minerals were during that period owned by, N.S.W. Rutile Mining Company Pty. Limited rent for that period at the rate of ten shillings per annum per acre of such land;
- (ii) that part of the land described as portion PML 12 in the plan catalogued M.21562 in the Department of Mines which during the period from the tenth day of July, one thousand nine hundred and fifty-nine, to the twenty-first day of June, one thousand nine hundred and sixty, was owned by, or in which any minerals were during that period owned by, N.S.W. Rutile Mining Company Pty. Limited and on which any mining operations or works incidental thereto were carried on by the said Associated Minerals Pty. Limited at any time during that period, rent for that period at the rate of ten shillings per annum per acre of such land;

(b) in respect of rutile and zircon won—

- (i) during the period from the eighth day of September, one thousand nine hundred and fifty-eight, to the twenty-first day of June, one thousand nine hundred and sixty, from the land described as portion PML 11 in the plan catalogued M.21561 in the Department

Mining (Renewal of Leases) Amendment.

Department of Mines, royalties in the total sum of eleven thousand and thirteen pounds thirteen shillings and threepence ;

- (ii) during the period from the tenth day of July, one thousand nine hundred and fifty-nine, to the twenty-first day of June, one thousand nine hundred and sixty, from such part of the land described as portion PML 12 in the plan catalogued M.21562 in the Department of Mines on which any mining operations or works incidental thereto were carried on by the said Associated Minerals Pty. Limited at any time during that period, royalties in the total sum of two thousand eight hundred and twenty-eight pounds one shilling and threepence ;

less any amount already paid by such company in respect of such rents and royalties, and such rents and royalties shall be dealt with and paid out in accordance with the provisions of sections ninety-seven and ninety-eight of the Principal Act.

(2) For the purpose of dealing with and paying out such royalties the quantity of rutile and zircon won—

- (a) during the period from the eighth day of September, one thousand nine hundred and fifty-eight, to the twenty-first day of June, one thousand nine hundred and sixty, from the land described as portion PML 11 in the plan catalogued M.21561 in the Department of Mines, shall be deemed to be the aggregate of the quantities shown in the returns dated the fourth day of March, one thousand nine hundred and fifty-nine, the twentieth day of January, one thousand nine hundred and sixty, and the sixteenth day of January, one thousand nine hundred and sixty-one, and furnished in respect of such land by Associated Minerals Pty. Limited to the Minister, and shall be deemed to have been won in uniform quantities from every part of such land ;

(b)

Mining (Renewal of Leases) Amendment.

- (b) during the period from the tenth day of July, one thousand nine hundred and fifty-nine, to the twenty-first day of June, one thousand nine hundred and sixty, from that part of the land described as portion PML 12 in the plan catalogued M.21562 in the Department of Mines on which any mining operations or works incidental thereto were carried on by the said Associated Minerals Pty. Limited at any time during that period, shall be deemed to be the quantities shown in the return dated the sixteenth day of January, one thousand nine hundred and sixty-one, and furnished in respect of such land by the said Associated Minerals Pty. Limited to the Minister, and shall be deemed to have been won in uniform quantities from every part of such land.

Associated Minerals Pty. Limited not to be liable for exemplary damages in respect of certain mining operations.

8. In assessing any damages for which Associated Minerals Pty. Limited, or any director, officer or servant of that company, may be liable by reason of anything done or omitted to be done (including, but without limiting the generality of the foregoing, the extraction and removal of any minerals) on or in respect of—

- (a) the land referred to in subparagraph (i) of paragraph (a) of section seven of this Act during the period referred to in that subparagraph; or
- (b) the land referred to in subparagraph (ii) of the said paragraph during the period referred to in that subparagraph,

no amount shall be awarded by way of exemplary damages.

In the name and on behalf of Her Majesty I assent to this Act.

E. W. WOODWARD,
Governor.

*Government House,
Sydney, 11th December, 1961.*