

*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.*

I. P. K. VIDLER,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 29 October, 1970.*

## New South Wales



ANNO UNDEVICESIMO

**ELIZABETHÆ II REGINÆ**

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**Act No. , 1970.**

An Act to abolish licenses to prospect; to enable an authority to prospect, an authority to enter or a lease to be granted in respect of land affected by an exploration license relating to a mineral differing from that to which the authority or lease relates; for these and other purposes to amend the Mining Act, 1906; and for purposes connected therewith.

**BE**

*Mining (Amendment).*

**B**E 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 (Amendment) Act, 1970".

Short title and commencement

(2) This section shall commence on the day on which this Act receives the Royal assent.

10 (3) Subject to subsection two of this section, this Act shall commence in accordance with subsection four of this section.

15 (4) The Governor may appoint and notify by proclamation published in the Gazette the day on which a provision of this Act shall commence and may, at different times, appoint different days for different provisions and the provision to which such a proclamation relates shall commence as specified therein.

20 (5) The Mining Act, 1906, is in this Act referred to as the Principal Act.

2. (1) The Principal Act is amended—

Amendment of Act No. 49, 1906.

(a) (i) by omitting from subsection one of section three the definition of "License";

Sec. 3. (Interpretation.)

25 (ii) by omitting from the same subsection the definition of "Licensee";

(b) by omitting section 49A and the short heading thereto;

Sec. 49A. (Application for license.)

(c)

*Mining (Amendment).*

- (c) by omitting section fifty-six and by inserting in lieu thereof the following section :—
56. The holder of an authority to enter who, after cancellation of the authority, continues in occupation of the land defined in the authority, or any part thereof, shall be deemed to be a trespasser.
- (d) (i) by omitting from subsection one of section sixty-nine the words "license to prospect or";
- (ii) by omitting from the same subsection the word ", licensee,";
- (e) (i) by omitting from paragraph (a) of subsection one of section 83B the word ", license";
- (ii) by omitting from subsection seventeen of the same section the words "authority, license" wherever occurring and by inserting in lieu thereof the word "authority";
- (f) (i) by omitting from paragraph (a) of subsection one of section 83c the word ", license";
- (ii) by omitting from subsection two of the same section the words "authority, license" and by inserting in lieu thereof the word "authority";
- (g) by omitting from paragraph (a) of subsection one of section one hundred and thirty-three the words ", license to prospect,";
- (h) (i) by omitting from paragraph (ii) of section one hundred and eighty-four the words ", license to prospect";
- (ii) by omitting from paragraph (xviii) of the same section the word ", licenses".

Subst.  
sec. 56.Holder  
continuing  
in occupa-  
tion after  
cancellation  
of an  
authority  
to enter.

Sec. 69.

(Lease or  
agreement  
by owner to  
mine for  
minerals  
reserved  
to the  
Crown.)

Sec. 83B.

(Exploration  
licenses.)

Sec. 83c.

(Disputes  
between  
holders of  
licenses  
and other  
persons  
carrying on  
authorised  
operations.)

Sec. 133.

(Subjects  
within  
jurisdiction  
of court.)

Sec. 184.

(Purposes  
for which  
regulations  
may be  
made.)

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*Mining (Amendment).*

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(2) A license to prospect in force immediately before the commencement of this section shall, notwithstanding the amendments made by subsection one of this section, continue in force as if that subsection had not been enacted.

3. The Principal Act is further amended—

Further amendment of Act No. 49, 1906.

- 10 (a) by omitting from the definition of "Mine" in subsection one of section three the words "or reef," and by inserting in lieu thereof the words "reef or salt-pan (whether or not the salt-pan is natural or has been artificially created)";
- (b) by inserting in the definition of "To mine" in the same subsection after the word "earth" the words "or water".

Sec. 3. (Interpretation.)

15 4. The Principal Act is further amended—

Further amendment of Act No. 49, 1906.

- 20 (a) (i) by inserting in subsection one of section seventeen after the word "subject" the words "to this section and";
- (ii) by omitting from the same subsection the words "or an exploration license granted under Part IVA of this Act (not being an exploration license held by the applicant)";
- (iii) by omitting from the same subsection the words "or license";

Sec. 17. (Authority to prospect on Crown lands.)

(iv)

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*Mining (Amendment).*

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(iv) by inserting next after the same subsection the following new subsection :—

(1A) An application for an authority to prospect on any land—

- 5 (a) shall not be finally dealt with where—
- (i) application for an exploration license affecting that land was made before application was made for the authority to prospect;
- 10 (ii) the exploration license so applied for has neither been granted nor refused; and
- 15 (iii) the authority to prospect has not been applied for by the applicant for the exploration license or by some person with his consent;
- 20 (b) shall not be granted in respect of gold (whether alone or together with minerals) if an exploration license for the purpose of prospecting for gold (whether alone or together with minerals) affects the same land and the authority to prospect has not been applied for by the holder of that license or by some person with his consent;
- 25 and
- 30 (c) shall not be granted in respect of a mineral (whether alone or together with other minerals) if an exploration license for the purpose of prospecting for that mineral (whether alone or together with other minerals) affects the same land and the authority to prospect has not been applied for by the holder of that license or by some person with his consent.
- 35

(v)

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*Mining (Amendment).*

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(v) by omitting from subsection two of the same section the words "The application" and by inserting in lieu thereof the words "An application for an authority to prospect";

5 (vi) by inserting next after subsection (2A) of the same section the following new subsections :—

10 (2B) Where application is made for an authority to prospect on land affected by an exploration license and the holder of the license, or some person with his consent, is not the applicant, the Minister shall, unless granting of the authority to prospect is prohibited by paragraph (b) or (c) of subsection (1A) of this section, cause notice of the application to be served on the holder of the exploration license.

15 (2C) The holder of an exploration license on whom a notice has been served under subsection (2B) of this section may object to the granting of an authority to prospect pursuant to the application to which the notice relates by serving, in the prescribed manner and within the prescribed period after service of the notice, an instrument in writing specifying the grounds of his objection.

20 (2D) Where the holder of an exploration license objects, pursuant to subsection (2C) of this section, to the grant of an authority to prospect, the Minister—

25 (a) shall refer the application for the authority, and the objection, to the Chief Inspector of Mines appointed under the Mines Inspection Act, 1901, or the Chief Inspector of Coal Mines appointed under the Coal Mines Regulation Act, 1912, for investigation and report; and

(b)

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*Mining (Amendment).*

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(b) shall, after considering that report and such other information as he considers relevant—

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(i) grant or refuse the application;  
or

(ii) grant the application subject to such conditions, provisions and stipulations as he thinks fit.

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(2E) A notice referred to in subsection (2B) of this section may be served—

(a) by delivering it to the person to whom it is directed; or

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(b) by sending it by certified mail to the person on whom it is to be served, addressed to him at his last known place of abode or business or, where that person is a company, to the registered office of the company,

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and, where the notice is served in accordance with paragraph (b) of this subsection, it shall be deemed to have been served at the time it would have been delivered to the addressee in the ordinary course of post.

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(vii) by omitting from subsection six of the same section the words “such application” and by inserting in lieu thereof the words “application for an authority to prospect”;

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(b) (i) by omitting from paragraph (bi) of subsection two of section twenty-three the words “or an exploration license” wherever occurring; Sec. 23. (Governor may grant leases.)

(ii) by omitting from the same paragraph the words “or exploration license” wherever occurring;

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(iii) by omitting from the same paragraph the words “or license” wherever occurring;

(iv)

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*Mining (Amendment).*

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(iv) by inserting at the end of the same subsection the following new paragraph :—

5 (f) A lease pursuant to an application in respect of which the Minister is required, pursuant to subsection seven of section twenty-seven of this Act to make a recommendation shall only be granted in accordance with that recommendation.

10 (v) by inserting next after subsection (2B) of the same section the following new subsection :—

(2c) An application for a lease of land under this Part—

(a) shall not be finally dealt with where—

15 (i) application for an exploration license affecting that land was made before the marking out of the land the subject of the application for the lease;

20 (ii) the exploration license so applied for has neither been granted nor refused; and

25 (iii) the lease has not been applied for by the applicant for the exploration license or by some person with his consent;

(b) shall not be granted in respect of gold (whether alone or together with minerals) if an exploration license for the



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*Mining (Amendment).*

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5 the purpose of prospecting for gold  
(whether alone or together with  
minerals) affects the same land and  
the lease has not been applied for by  
the holder of that license or by some  
person with his consent; and

10 (c) shall not be granted in respect of a  
mineral (whether alone or together  
with other minerals) if an exploration  
license for the purpose of prospecting  
for that mineral (whether alone or  
together with other minerals) affects  
15 the same land and the lease has not  
been applied for by the holder of that  
license or by some person with his  
consent.

(c) by inserting next after subsection four of section **Sec. 27.**  
twenty-seven the following new subsections : — (Irregular  
application  
may be  
granted.)

20 (5) Where application is made under this Part  
for a lease of land affected by an exploration license  
and the holder of the license, or some person with  
his consent, is not the applicant, the Minister shall,  
unless granting of the lease is prohibited by para-  
25 graph (b) or (c) of subsection (2c) of section  
twenty-three of this Act, cause notice of the applica-  
tion to be served on the holder of the exploration  
license.

30 (6) The holder of an exploration license on  
whom a notice has been served under subsection  
five of this section may object to the granting of a  
lease pursuant to the application to which the  
notice relates by serving, in the prescribed manner  
and within the prescribed period after service of  
35 the notice, an instrument in writing specifying the  
grounds of his objection.

(7)

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*Mining (Amendment).*

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(7) Where the holder of an exploration license objects, pursuant to subsection six of this section, to the grant of a lease, the Minister—

5 (a) shall refer the application for the lease, and the objection, to the Chief Inspector of Mines appointed under the Mines Inspection Act, 1901, or the Chief Inspector of Coal Mines appointed under the Coal Mines Regulation Act, 1912, for investigation and report; and

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(b) shall, after considering that report and such other information as he considers relevant, recommend to the Governor that the application for the lease—

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(i) be granted subject to the covenants, conditions, reservations and exemptions specified in the recommendation; or

(ii) be refused.

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(8) A notice referred to in subsection five of this section may be served—

(a) by delivering it to the person to whom it is directed; or

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(b) by sending it by certified mail to the person on whom it is to be served, addressed to him at his last known place of abode or business or, where that person is a company, to the registered office of the company,

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and, where the notice is served in accordance with paragraph (b) of this subsection, it shall be deemed to have been served at the time it would have been delivered to the addressee in the ordinary course of post.

(d)

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*Mining (Amendment).*

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(d) (i) by omitting from subsection three of section Sec. 46.  
forty-six the words “or to carry on operations (Exempted  
under an exploration license”; land.)

5 (ii) by omitting from the same subsection the  
words “, or in respect of land the subject of an  
application for an exploration license made  
before the time of the making of the applica-  
tion for the authority to enter”;

10 (iii) by inserting next after the same subsection the  
following new subsections :—

(4) An application for an authority to  
enter in and upon any land under this Part—

(a) shall not be finally dealt with where—

15 (i) application for an exploration  
license affecting that land was  
made before application was  
made for the authority to  
enter;

20 (ii) the exploration license so  
applied for has neither been  
granted nor refused; and

25 (iii) the authority to enter has not  
been applied for by the appli-  
cant for the exploration license  
or by some person with his  
consent;

30 (b) shall not be granted in respect of gold  
(whether alone or together with  
minerals) if an exploration license for  
the purpose of prospecting for gold  
affects the same land and the authority  
to enter has not been applied for by  
the holder of that license or by some  
person with his consent; and

(c)

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*Mining (Amendment).*

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5 (c) shall not be granted in respect of a  
mineral (whether alone or together  
with other minerals) if an exploration  
license for the purpose of prospecting  
for that mineral (whether alone or  
together with other minerals) affects  
the same land and the authority to  
enter has not been applied for by the  
holder of that license or by some  
10 person with his consent.

15 (5) Where application is made for an  
authority to enter in and upon land under this  
Part and that land is affected by an exploration  
license and the holder of the license, or some  
person with his consent, is not the applicant,  
the Minister shall, unless granting of the  
authority to enter is prohibited by paragraph  
(b) or (c) of subsection four of this section,  
cause notice of the application to be served on  
20 the holder of the exploration license.

25 (6) The holder of an exploration license  
on whom a notice has been served under sub-  
section five of this section may object to the  
granting of an authority to enter pursuant to  
the application to which the notice relates by  
serving, in the prescribed manner and  
within the prescribed period after service of  
the notice, an instrument in writing specifying  
the grounds of his objection.

30 (7) Where the holder of an exploration  
license objects, pursuant to subsection six of  
this section, to the grant of an authority to  
enter, the Minister—

35 (a) shall refer the application for the  
authority, and the objection, to the  
Chief Inspector of Mines appointed  
under the Mines Inspection Act, 1901,  
or the Chief Inspector of Coal Mines  
appointed

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*Mining (Amendment).*

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appointed under the Coal Mines Regulation Act, 1912, for investigation and report; and

5 (b) shall, after considering that report and such other information as he considers relevant—

(i) dismiss the objection;

10 (ii) direct the warden not to grant the application unless he imposes conditions specified in the direction, whether or not he imposes other conditions; or

15 (iii) direct the warden to refuse the application.

(8) The warden shall comply with a direction given to him by the Minister under subsection seven of this section.

20 (9) A notice referred to in subsection five of this section may be served—

(a) by delivering it to the person to whom it is directed; or

25 (b) by sending it by certified mail to the person on whom it is to be served, addressed to him at his last known place of abode or business or, where that person is a company, to the registered office of the company,

30 and, where the notice is served in accordance with paragraph (b) of this subsection, it shall be deemed to have been served at the time it would have been delivered to the addressee in the ordinary course of post.

35 (e) by inserting in paragraph (a) of subsection two of section fifty after the word "three" the words "or four, or of subsections seven and eight,"; (Warden may grant authority.)

(f)

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*Mining (Amendment).*

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(f) (i) by omitting from subsection five of section fifty-eight the words "or an exploration license" wherever occurring; Sec. 58.  
(Power to refuse, &c.)

5 (ii) by omitting from the same subsection the words "or exploration license" wherever occurring;

(iii) by omitting from the same subsection the words "or license" wherever occurring;

10 (iv) by inserting next after the same subsection the following new subsections :—

(6) An application for a lease of private land under this Part—

(a) shall not be finally dealt with where—

15 (i) application for an exploration license affecting that land was made before the marking out of the land the subject of the application for the lease;

20 (ii) the exploration license so applied for has neither been granted nor refused; and

25 (iii) the lease has not been applied for by the applicant for the exploration license or by some person with his consent;

30 (b) shall not be granted in respect of gold (whether alone or together with minerals) if an exploration license for the purpose of prospecting for gold (whether alone or together with minerals) affects the same land and the lease has not been applied for by the holder of that license or by some person with his consent; and

(c)

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*Mining (Amendment).*

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5 (c) shall not be granted in respect of a mineral (whether alone or together with other minerals) if an exploration license for the purpose of prospecting for that mineral (whether alone or together with other minerals) affects the same land and the lease has not been applied for by the holder of that license or by some person with his consent.

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(7) Where application is made under this Part for a lease of land affected by an exploration license and the holder of the license, or some person with his consent, is not the applicant, the Minister shall, unless granting of the lease is prohibited by paragraph (b) or (c) of subsection six of this section, cause notice of the application to be served on the holder of the exploration license.

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(8) The holder of an exploration license on whom a notice has been served under subsection seven of this section may object to the granting of a lease pursuant to the application to which the notice relates by serving, in the prescribed manner and within the prescribed period after service of the notice, an instrument in writing specifying the grounds of his objection.

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(9) Where the holder of an exploration license objects, pursuant to subsection eight of this section, to the grant of a lease, the Minister—

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(a) shall refer the application for the lease, and the objection, to the Chief Inspector of Mines appointed under the Mines Inspection Act, 1901, or the Chief Inspector of Coal Mines appointed

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*Mining (Amendment).*

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appointed under the Coal Mines Regulation Act, 1912, for investigation and report; and

5 (b) shall, after considering that report and such other information as he considers relevant, recommend to the Governor that the application for the lease—

10 (i) be granted subject to the covenants, conditions, reservations and exemptions specified in the recommendation; or

(ii) be refused.

15 (10) A notice referred to in subsection seven of this section may be served—

(a) by delivering it to the person to whom it is directed; or

20 (b) by sending it by certified mail to the person on whom it is to be served, addressed to him at his last known place of abode or business or, where that person is a company, to the registered office of the company,

25 and, where the notice is served in accordance with paragraph (b) of this subsection, it shall be deemed to have been served at the time it would have been delivered to the addressee in the ordinary course of post.

30 (11) A lease pursuant to an application in respect of which the Minister is required, pursuant to subsection nine of this section, to make a recommendation shall only be granted in accordance with that recommendation.

(g)



*Mining (Amendment).*

- (g) by inserting in subsection one of section 83BA after the word "license" where firstly occurring the words "or some person with his consent";
- Sec. 83BA.  
(Lands held under two or more exploration licenses.)
- 5 (h) by inserting next after the same section the following new section :—
- New sec. 83BB.
- 10 83BB. The Minister shall cancel an exploration license to the extent to which it affects land in respect of which an authority to prospect, an authority to enter or a lease has been granted and is in force—
- Authority to prospect, &c., over land subject to exploration license.
- (a) in respect of gold, where the exploration license is in respect of gold; or
- (b) in respect of a mineral, where the exploration license is in respect of that mineral.
- 15 (i) by omitting from subsection one of section eighty-six the words "held by the applicant";
- Sec. 86.  
(Governor may grant leases for purposes of mining by dredging, &c., and of what lands.)
- (j) by inserting next after section 86A the following new section :—
- New sec. 86B.
- 20 86B. (1) An application for a lease of land under this Part—
- Lease of land subject to exploration license.
- (a) shall not be finally dealt with where—
- (i) application for an exploration license affecting that land was made before the marking out of the land the subject of the application for the lease;
- 25
- (ii)

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*Mining (Amendment).*

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- (ii) the exploration license applied for has neither been granted nor refused; and
- 5 (iii) the lease has not been applied for by the applicant for the exploration license or by some person with his consent;
- 10 (b) shall not be granted in respect of gold (whether alone or together with minerals) if an exploration license for the purpose of prospecting for gold (whether alone or together with minerals) affects the same land and the lease has not been applied for by the holder of that license or by some person with his consent;
- 15 (c) shall not be granted in respect of a mineral (whether alone or together with other minerals) if an exploration license for the purpose of prospecting for that mineral (whether alone or together with other minerals) affects the same land and the lease has not been applied for by the holder of that license or by some person with his consent.
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- 25 (2) Where application has been made under this Part for a lease of land affected by an exploration license, the Minister shall, unless the granting of the lease is prohibited by paragraph (b) or (c) of subsection one of this section, cause
- 30 notice of the application to be served on the holder of the exploration license.
- (3) The holder of an exploration license on whom a notice has been served under subsection two of this section may object to the granting of a lease pursuant to the application to which the notice relates by serving, in the prescribed manner and
- 35 within

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*Mining (Amendment).*

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within the prescribed period after service of the notice, an instrument in writing specifying the grounds of his objection.

5 (4) Where the holder of an exploration license objects, pursuant to subsection three of this section, to the grant of a lease, the Minister—

10 (a) shall refer the application for the lease, and the objection, to the Chief Inspector of Mines appointed under the Mines Inspection Act, 1901, or the Chief Inspector of Coal Mines appointed under the Coal Mines Regulation Act, 1912, for investigation and report; and

15 (b) shall, after considering that report and such other information as he considers relevant, recommend to the Governor that the application for the lease—

20 (i) be granted subject to the covenants, conditions, reservations and exemptions specified in the recommendation; or

(ii) be refused.

(5) A notice referred to in subsection two of this section may be served—

25 (a) by delivering it to the person to whom it is directed; or

30 (b) by sending it by certified mail to the person on whom it is to be served, addressed to him at his last known place of abode or business or, where that person is a company, to the registered office of the company,

35 and, where the notice is served in accordance with paragraph (b) of this subsection, it shall be deemed to have been served at the time it would have been delivered to the addressee in the ordinary course of post.

(6)

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*Mining (Amendment).*

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5 (6) A lease pursuant to an application in respect of which the Minister is required, pursuant to subsection four of this section, to make a recommendation shall only be granted in accordance with that recommendation.

5. The Principal Act is further amended—

Further amendment of Act No. 49, 1906.

- (a) by inserting next after subsection thirteen of section 83B the following new subsection :—

Sec. 83B.  
(Exploration licenses.)

10 (13A) Where an application is made for the renewal or further renewal of an exploration license and the renewal or further renewal is not granted or refused before the day on which the exploration license or renewal would, but for this subsection, expire—

15 (a) the period of the exploration license shall be deemed to have been extended until the application is granted or refused;

20 (b) the Minister may grant or refuse the application after the day on which the exploration license would, but for this subsection, expire; and

25 (c) the provisions of this Act applicable to exploration licenses and the holders thereof shall apply to and in respect of an exploration license and the holder thereof during any period for which it is deemed by paragraph (a) of this subsection to be extended.

(b)

*Mining (Amendment).*

- (b) by omitting subsection seven of section 83BA; Sec. 83BA.  
(Lands held under two or more exploration licenses.)
- 5 (c) by inserting in subsection one of section 83D after the word "Act" the words ", unless the lands are so exempted only by reason of their being subject to an exploration license". Sec. 83D.  
(Restriction on rights of holders of licenses over certain lands.)
6. The Principal Act is further amended— Further amendment of Act No. 49, 1906.
- (a) by inserting in paragraph (b) of subsection (1B) of section forty-seven after the word "holder" the word "of"; Sec. 47.  
(Not to extend to within certain distance of garden or improved land without consent.)
- 10 (b) by omitting paragraph (ai) of subsection two of section fifty and by inserting in lieu thereof the following paragraphs :— Sec. 50.  
(Discretion to refuse.)
- 15 (ai) if the land to which the application relates is the subject of a prior application for a lease under this Part;
- (aii) if the land to which the application relates is land in respect of which an authority to enter is in force;
- (c)

*Mining (Amendment).*

(c) by inserting next after section 108E the following new section :— New sec.  
108F.

108F. Where the Minister has granted consent to an applicant for a lease under this Act or to his nominee to occupy for mining purposes the land applied for and to mine upon and in such land, or to occupy and construct and use works upon and in such land, the applicant or nominee holds the Crown, the Minister and every officer and employee employed in connection with the administration of this Act indemnified against all claims against the Crown, the Minister or any such officer or employee arising out of anything done or omitted to be done pursuant to, or as a consequence of, the giving by the Minister of such consent, or done or omitted to be done by the applicant or nominee or any of his agents or employees on or in respect of lands or any part thereof the subject of that consent. Minister  
and certain  
other  
persons  
indemnified  
in certain  
circum-  
stances.

7. The Principal Act is further amended—

Further  
amendment  
of Act No.  
49, 1906.

(a) by omitting from subsection one of section seven-  
teen the words "any mineral" and by inserting in  
lieu thereof the words "for specified minerals, or  
for gold and specified minerals,"; Sec. 17.  
(Authority  
to prospect  
on Crown  
land.)

(b) (i) by omitting from subsection one of section  
fifty the words "any mineral" and by inserting  
in lieu thereof the words "for specified  
minerals"; Sec. 50.  
(Warden  
may grant  
authority.)

(ii) by inserting in the same subsection after the  
word "Crown" the words ", or for gold and  
any specified minerals so reserved";

(c) by inserting in subsection one of section fifty-three  
after the word "granted" the words "and shall state  
whether it is granted in respect of gold or in respect  
of specified minerals or in respect of gold and  
specified minerals"; Sec. 53.  
(Extent of  
area and  
nature of  
deposit.)

(d)

*Mining (Amendment).*

- (d) by omitting from subsection one of section 70A the words "any minerals" and by inserting in lieu thereof the words "any specified minerals"; Sec. 70A.  
(Grant of authority to enter.)
- 5 (e) by omitting from subsection one of section 83B the words "any mineral" and by inserting in lieu thereof the words "specified minerals, or gold and specified minerals"; Sec. 83B.  
(Exploration licenses.)
- 10 (f) (i) by omitting from subsection two of section 83BA the words "served on the Minister and"; Sec. 83BA.  
(Lands held under two or more exploration licenses.)
- (ii) by inserting in the same subsection after the word "objection" the words "and served in the prescribed manner";
- (g) by omitting section 83L; Sec. 83L.  
(Measure of compensation.)
- 15 (h) (i) by inserting in subsection one of section one hundred and fifty-five after the word "right," wherever occurring the word "exploration"; Sec. 155.  
(How compensation assessed.)
- (ii) by inserting in subsection two of the same section after the word "right," the word "exploration";
- 20 (iii) by inserting in subsection four of the same section after the word "lease," where firstly occurring the word "exploration";
- (i) (i) by inserting in section 157A after the word "right," the word "exploration"; Sec. 157A.  
(Compensation.)
- 25 (ii) by inserting in the same section after the word "claim," the word "exploration".

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970

[20c]

PHILOSOPHY

(i) The first part of the paper is devoted to a discussion of the

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No. , 1970.

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## A BILL

To abolish licenses to prospect; to enable an authority to prospect, an authority to enter or a lease to be granted in respect of land affected by an exploration license relating to a mineral differing from that to which the authority or lease relates; for these and other purposes to amend the Mining Act, 1906; and for purposes connected therewith.

[MR FIFE —27 October, 1970.]

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BE

*Mining (Amendment).*

**B**E 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 (Amendment) Act, 1970".

Short title  
and com-  
mencement.

(2) This section shall commence on the day on which this Act receives the Royal assent.

10 (3) Subject to subsection two of this section, this Act shall commence in accordance with subsection four of this section.

15 (4) The Governor may appoint and notify by proclamation published in the Gazette the day on which a provision of this Act shall commence and may, at different times, appoint different days for different provisions and the provision to which such a proclamation relates shall commence as specified therein.

20 (5) The Mining Act, 1906, is in this Act referred to as the Principal Act.

2. (1) The Principal Act is amended—

Amendment  
of Act No.  
49, 1906.

(a) (i) by omitting from subsection one of section three the definition of "License";

Sec. 3.  
(Interpre-  
tation.)

25 (ii) by omitting from the same subsection the definition of "Licensee";

(b) by omitting section 49A and the short heading thereto;

Sec. 49A.  
(Application  
for license.)

(c)

*Mining (Amendment).*

- (c) by omitting section fifty-six and by inserting in lieu thereof the following section :—
- 5 56. The holder of an authority to enter who, after cancellation of the authority, continues in occupation of the land defined in the authority, or any part thereof, shall be deemed to be a trespasser.
- (d) (i) by omitting from subsection one of section sixty-nine the words "license to prospect or";
- 10 (ii) by omitting from the same subsection the word ", licensee,";
- (e) (i) by omitting from paragraph (a) of subsection one of section 83B the word ", license";
- 15 (ii) by omitting from subsection seventeen of the same section the words "authority, license" wherever occurring and by inserting in lieu thereof the word "authority";
- (f) (i) by omitting from paragraph (a) of subsection one of section 83c the word ", license";
- 20 (ii) by omitting from subsection two of the same section the words "authority, license" and by inserting in lieu thereof the word "authority";
- (g) by omitting from paragraph (a) of subsection one of section one hundred and thirty-three the words ", license to prospect,";
- 25 (h) (i) by omitting from paragraph (ii) of section one hundred and eighty-four the words ", license to prospect";
- (ii) by omitting from paragraph (xviii) of the same section the word ", licenses".

Subst.  
sec. 56.Holder  
continuing  
in occupa-  
tion after  
cancellation  
of an  
authority  
to enter.Sec. 69.  
(Lease or  
agreement  
by owner to  
mine for  
minerals  
reserved  
to the  
Crown.)Sec. 83B.  
(Exploration  
licenses.)Sec. 83c.  
(Disputes  
between  
holders of  
licenses  
and other  
persons  
carrying on  
authorised  
operations.)Sec. 133.  
(Subjects  
within  
jurisdiction  
of court.)Sec. 184.  
(Purposes  
for which  
regulations  
may be  
made.)

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*Mining (Amendment).*

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(2) A license to prospect in force immediately before the commencement of this section shall, notwithstanding the amendments made by subsection one of this section, continue in force as if that subsection had not been  
5 enacted.

3. The Principal Act is further amended—

Further  
amendment  
of Act No.  
49, 1906.

- 10 (a) by omitting from the definition of "Mine" in subsection one of section three the words "or reef," and by inserting in lieu thereof the words "reef or salt-pan (whether or not the salt-pan is natural or has been artificially created)";
- (b) by inserting in the definition of "To mine" in the same subsection after the word "earth" the words "or water".

Sec. 3. 01  
(Interpre-  
tation.)

15 4. The Principal Act is further amended—

Further  
amendment  
of Act No.  
49, 1906.

- 20 (a) (i) by inserting in subsection one of section seventeen after the word "subject" the words "to this section and";
- (ii) by omitting from the same subsection the words "or an exploration license granted under Part IVA of this Act (not being an exploration license held by the applicant)";
- (iii) by omitting from the same subsection the words "or license";

Sec. 17.  
(Authority  
to prospect  
on Crown  
lands.)

(iv)

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*Mining (Amendment).*

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(iv) by inserting next after the same subsection the following new subsection :—

(1A) An application for an authority to prospect on any land—

- 5 (a) shall not be finally dealt with where—
- 10 (i) application for an exploration license affecting that land was made before application was made for the authority to prospect;
  - 15 (ii) the exploration license so applied for has neither been granted nor refused; and
  - 20 (iii) the authority to prospect has not been applied for by the applicant for the exploration license or by some person with his consent;
- 25 (b) shall not be granted in respect of gold (whether alone or together with minerals) if an exploration license for the purpose of prospecting for gold (whether alone or together with minerals) affects the same land and the authority to prospect has not been applied for by the holder of that license or by some person with his consent; and
- 30 (c) shall not be granted in respect of a mineral (whether alone or together with other minerals) if an exploration license for the purpose of prospecting for that mineral (whether alone or together with other minerals) affects the same land and the authority to prospect has not been applied for by the holder of that license or by some person with his consent.

(v)

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*Mining (Amendment).*

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(v) by omitting from subsection two of the same section the words "The application" and by inserting in lieu thereof the words "An application for an authority to prospect";

5 (vi) by inserting next after subsection (2A) of the same section the following new subsections :—

10 (2B) Where application is made for an authority to prospect on land affected by an exploration license and the holder of the license, or some person with his consent, is not the applicant, the Minister shall, unless  
15 granting of the authority to prospect is prohibited by paragraph (b) or (c) of subsection (1A) of this section, cause notice of the application to be served on the holder of the exploration license.

20 (2C) The holder of an exploration license on whom a notice has been served under subsection (2B) of this section may object to the granting of an authority to prospect pursuant to the application to which the notice relates by serving, in the prescribed manner and within the prescribed period after service of the notice, an instrument in writing  
25 specifying the grounds of his objection.

30 (2D) Where the holder of an exploration license objects, pursuant to subsection (2C) of this section, to the grant of an authority to prospect, the Minister—

(a) shall refer the application for the authority, and the objection, to the Chief Inspector of Mines appointed under the Mines Inspection Act, 1901, or the Chief Inspector of Coal Mines appointed under the Coal Mines Regulation Act, 1912, for investigation and report; and

(b)

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*Mining (Amendment).*

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(b) shall, after considering that report and such other information as he considers relevant—

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(i) grant or refuse the application ;  
or

(ii) grant the application subject to such conditions, provisions and stipulations as he thinks fit.

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(2E) A notice referred to in subsection (2B) of this section may be served—

(a) by delivering it to the person to whom it is directed ; or

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(b) by sending it by certified mail to the person on whom it is to be served, addressed to him at his last known place of abode or business or, where that person is a company, to the registered office of the company,

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and, where the notice is served in accordance with paragraph (b) of this subsection, it shall be deemed to have been served at the time it would have been delivered to the addressee in the ordinary course of post.

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(vii) by omitting from subsection six of the same section the words “such application” and by inserting in lieu thereof the words “application for an authority to prospect” ;

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(b) (i) by omitting from paragraph (bi) of subsection two of section twenty-three the words “or an exploration license” wherever occurring ;

Sec. 23.  
(Governor may grant leases.)

(ii) by omitting from the same paragraph the words “or exploration license” wherever occurring ;

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(iii) by omitting from the same paragraph the words “or license” wherever occurring ;

(iv)

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*Mining (Amendment).*

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(iv) by inserting at the end of the same subsection the following new paragraph :—

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(f) A lease pursuant to an application in respect of which the Minister is required, pursuant to subsection seven of section twenty-seven of this Act to make a recommendation shall only be granted in accordance with that recommendation.

10

(v) by inserting next after subsection (2B) of the same section the following new subsection :—

(2C) An application for a lease of land under this Part—

(a) shall not be finally dealt with where—

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(i) application for an exploration license affecting that land was made before the marking out of the land the subject of the application for the lease;

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(ii) the exploration license so applied for has neither been granted nor refused; and

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(iii) the lease has not been applied for by the applicant for the exploration license or by some person with his consent;

(b) shall not be granted in respect of gold (whether alone or together with minerals) if an exploration license for the



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*Mining (Amendment).*

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5 the purpose of prospecting for gold  
(whether alone or together with  
minerals) affects the same land and  
the lease has not been applied for by  
the holder of that license or by some  
person with his consent; and

10 (c) shall not be granted in respect of a  
mineral (whether alone or together  
with other minerals) if an exploration  
license for the purpose of prospecting  
for that mineral (whether alone or  
together with other minerals) affects  
the same land and the lease has not  
15 been applied for by the holder of that  
license or by some person with his  
consent.

(c) by inserting next after subsection four of section Sec. 27.  
twenty-seven the following new subsections :— (Irregular  
application  
may be  
granted.)

20 (5) Where application is made under this Part  
for a lease of land affected by an exploration license  
and the holder of the license, or some person with  
his consent, is not the applicant, the Minister shall,  
unless granting of the lease is prohibited by para-  
graph (b) or (c) of subsection (2c) of section  
25 twenty-three of this Act, cause notice of the applica-  
tion to be served on the holder of the exploration  
license.

30 (6) The holder of an exploration license on  
whom a notice has been served under subsection  
five of this section may object to the granting of a  
lease pursuant to the application to which the  
notice relates by serving, in the prescribed manner  
and within the prescribed period after service of  
the notice, an instrument in writing specifying the  
35 grounds of his objection.

(7)

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*Mining (Amendment).*

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(7) Where the holder of an exploration license objects, pursuant to subsection six of this section, to the grant of a lease, the Minister—

5 (a) shall refer the application for the lease, and the objection, to the Chief Inspector of Mines appointed under the Mines Inspection Act, 1901, or the Chief Inspector of Coal Mines appointed under the Coal Mines Regulation Act, 1912, for investigation and report; and

10 (b) shall, after considering that report and such other information as he considers relevant, recommend to the Governor that the application for the lease—

15 (i) be granted subject to the covenants, conditions, reservations and exemptions specified in the recommendation; or

(ii) be refused.

20 (8) A notice referred to in subsection five of this section may be served—

(a) by delivering it to the person to whom it is directed; or

25 (b) by sending it by certified mail to the person on whom it is to be served, addressed to him at his last known place of abode or business or, where that person is a company, to the registered office of the company,

30 and, where the notice is served in accordance with paragraph (b) of this subsection, it shall be deemed to have been served at the time it would have been delivered to the addressee in the ordinary course of post.

(d)

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*Mining (Amendment).*

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- (d) (i) by omitting from subsection three of section Sec. 46.  
forty-six the words "or to carry on operations (Exempted land.)  
under an exploration license";
- 5 (ii) by omitting from the same subsection the  
words " , or in respect of land the subject of an  
application for an exploration license made  
before the time of the making of the applica-  
tion for the authority to enter";
- 10 (iii) by inserting next after the same subsection the  
following new subsections :—
- (4) An application for an authority to  
enter in and upon any land under this Part—
- (a) shall not be finally dealt with where—
- 15 (i) application for an exploration  
license affecting that land was  
made before application was  
made for the authority to  
enter ;
- 20 (ii) the exploration license so  
applied for has neither been  
granted nor refused ; and
- 25 (iii) the authority to enter has not  
been applied for by the appli-  
cant for the exploration license  
or by some person with his  
consent ;
- 30 (b) shall not be granted in respect of gold  
(whether alone or together with  
minerals) if an exploration license for  
the purpose of prospecting for gold  
affects the same land and the authority  
to enter has not been applied for by  
the holder of that license or by some  
person with his consent ; and

(c.)

*Mining (Amendment).*

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(c) shall not be granted in respect of a mineral (whether alone or together with other minerals) if an exploration license for the purpose of prospecting for that mineral (whether alone or together with other minerals) affects the same land and the authority to enter has not been applied for by the holder of that license or by some person with his consent.

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20  
(5) Where application is made for an authority to enter in and upon land under this Part and that land is affected by an exploration license and the holder of the license, or some person with his consent, is not the applicant, the Minister shall, unless granting of the authority to enter is prohibited by paragraph (b) or (c) of subsection four of this section, cause notice of the application to be served on the holder of the exploration license.

25  
(6) The holder of an exploration license on whom a notice has been served under subsection five of this section may object to the granting of an authority to enter pursuant to the application to which the notice relates by serving, in the prescribed manner and within the prescribed period after service of the notice, an instrument in writing specifying the grounds of his objection.

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(7) Where the holder of an exploration license objects, pursuant to subsection six of this section, to the grant of an authority to enter, the Minister—

35  
(a) shall refer the application for the authority, and the objection, to the Chief Inspector of Mines appointed under the Mines Inspection Act, 1901, or the Chief Inspector of Coal Mines appointed

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*Mining (Amendment).*

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appointed under the Coal Mines Regulation Act, 1912, for investigation and report; and

5 (b) shall, after considering that report and such other information as he considers relevant—

(i) dismiss the objection;

10 (ii) direct the warden not to grant the application unless he imposes conditions specified in the direction, whether or not he imposes other conditions; or

15 (iii) direct the warden to refuse the application.

(8) The warden shall comply with a direction given to him by the Minister under subsection seven of this section.

20 (9) A notice referred to in subsection five of this section may be served—

(a) by delivering it to the person to whom it is directed; or

25 (b) by sending it by certified mail to the person on whom it is to be served, addressed to him at his last known place of abode or business or, where that person is a company, to the registered office of the company,

30 and, where the notice is served in accordance with paragraph (b) of this subsection, it shall be deemed to have been served at the time it would have been delivered to the addressee in the ordinary course of post.

35 (e) by inserting in paragraph (a) of subsection two of section fifty after the word "three" the words "or four, or of subsections seven and eight,"; (Warden may grant authority.)

(f)

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*Mining (Amendment).*

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(f) (i) by omitting from subsection five of section fifty-eight the words "or an exploration license" wherever occurring; Sec. 58.  
(Power to  
refuse, &c.)

5 (ii) by omitting from the same subsection the words "or exploration license" wherever occurring;

(iii) by omitting from the same subsection the words "or license" wherever occurring;

10 (iv) by inserting next after the same subsection the following new subsections :—

(6) An application for a lease of private land under this Part—

(a) shall not be finally dealt with where—

15 (i) application for an exploration license affecting that land was made before the marking out of the land the subject of the application for the lease;

20 (ii) the exploration license so applied for has neither been granted nor refused; and

25 (iii) the lease has not been applied for by the applicant for the exploration license or by some person with his consent;

30 (b) shall not be granted in respect of gold (whether alone or together with minerals) if an exploration license for the purpose of prospecting for gold (whether alone or together with minerals) affects the same land and the lease has not been applied for by the holder of that license or by some person with his consent; and

(c)

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*Mining (Amendment).*

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5 (c) shall not be granted in respect of a mineral (whether alone or together with other minerals) if an exploration license for the purpose of prospecting for that mineral (whether alone or together with other minerals) affects the same land and the lease has not been applied for by the holder of that license or by some person with his consent.

10

(7) Where application is made under this Part for a lease of land affected by an exploration license and the holder of the license, or some person with his consent, is not the applicant, the Minister shall, unless granting of the lease is prohibited by paragraph (b) or (c) of subsection six of this section, cause notice of the application to be served on the holder of the exploration license.

15

20 (8) The holder of an exploration license on whom a notice has been served under subsection seven of this section may object to the granting of a lease pursuant to the application to which the notice relates by serving, in the prescribed manner and within the prescribed period after service of the notice, an instrument in writing specifying the grounds of his objection.

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(9) Where the holder of an exploration license objects, pursuant to subsection eight of this section, to the grant of a lease, the Minister—

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(a) shall refer the application for the lease, and the objection, to the Chief Inspector of Mines appointed under the Mines Inspection Act, 1901, or the Chief Inspector of Coal Mines appointed

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*Mining (Amendment).*

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appointed under the Coal Mines Regulation Act, 1912, for investigation and report; and

5 (b) shall, after considering that report and such other information as he considers relevant, recommend to the Governor that the application for the lease—

10 (i) be granted subject to the covenants, conditions, reservations and exemptions specified in the recommendation; or

(ii) be refused.

15 (10) A notice referred to in subsection seven of this section may be served—

(a) by delivering it to the person to whom it is directed; or

20 (b) by sending it by certified mail to the person on whom it is to be served, addressed to him at his last known place of abode or business or, where that person is a company, to the registered office of the company,

25 and, where the notice is served in accordance with paragraph (b) of this subsection, it shall be deemed to have been served at the time it would have been delivered to the addressee in the ordinary course of post.

30 (11) A lease pursuant to an application in respect of which the Minister is required, pursuant to subsection nine of this section, to make a recommendation shall only be granted in accordance with that recommendation.

(g)



*Mining (Amendment).*

- (g) by inserting in subsection one of section 83BA after the word "license" where firstly occurring the words "or some person with his consent"; Sec. 83BA. (Lands held under two or more exploration licenses.)
- 5 (h) by inserting next after the same section the following new section :— New sec. 83BB.
- 10 83BB. The Minister shall cancel an exploration license to the extent to which it affects land in respect of which an authority to prospect, an authority to enter or a lease has been granted and is in force— Authority to prospect, &c., over land subject to exploration license.
- (a) in respect of gold, where the exploration license is in respect of gold; or
- (b) in respect of a mineral, where the exploration license is in respect of that mineral.
- 15 (i) by omitting from subsection one of section eighty-six the words "held by the applicant"; Sec. 86. (Governor may grant leases for purposes of mining by dredging, &c., and of what lands.)
- (j) by inserting next after section 86A the following new section :— New sec. 86B.
- 20 86B. (1) An application for a lease of land under this Part— Lease of land subject to exploration license.
- (a) shall not be finally dealt with where—
- 25 (i) application for an exploration license affecting that land was made before the marking out of the land the subject of the application for the lease;
- (ii)

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*Mining (Amendment).*

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(ii) the exploration license applied for has neither been granted nor refused; and

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(iii) the lease has not been applied for by the applicant for the exploration license or by some person with his consent;

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(b) shall not be granted in respect of gold (whether alone or together with minerals) if an exploration license for the purpose of prospecting for gold (whether alone or together with minerals) affects the same land and the lease has not been applied for by the holder of that license or by some person with his consent;

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(c) shall not be granted in respect of a mineral (whether alone or together with other minerals) if an exploration license for the purpose of prospecting for that mineral (whether alone or together with other minerals) affects the same land and the lease has not been applied for by the holder of that license or by some person with his consent.

25

(2) Where application has been made under this Part for a lease of land affected by an exploration license, the Minister shall, unless the granting of the lease is prohibited by paragraph (b) or (c) of subsection one of this section, cause notice of the application to be served on the holder of the exploration license.

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(3) The holder of an exploration license on whom a notice has been served under subsection two of this section may object to the granting of a lease pursuant to the application to which the notice relates by serving, in the prescribed manner and within

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*Mining (Amendment).*

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within the prescribed period after service of the notice, an instrument in writing specifying the grounds of his objection.

5 (4) Where the holder of an exploration license objects, pursuant to subsection three of this section, to the grant of a lease, the Minister—

10 (a) shall refer the application for the lease, and the objection, to the Chief Inspector of Mines appointed under the Mines Inspection Act, 1901, or the Chief Inspector of Coal Mines appointed under the Coal Mines Regulation Act, 1912, for investigation and report; and

15 (b) shall, after considering that report and such other information as he considers relevant, recommend to the Governor that the application for the lease—

20 (i) be granted subject to the covenants, conditions, reservations and exemptions specified in the recommendation; or

(ii) be refused.

(5) A notice referred to in subsection two of this section may be served—

25 (a) by delivering it to the person to whom it is directed; or

30 (b) by sending it by certified mail to the person on whom it is to be served, addressed to him at his last known place of abode or business or, where that person is a company, to the registered office of the company,

35 and, where the notice is served in accordance with paragraph (b) of this subsection, it shall be deemed to have been served at the time it would have been delivered to the addressee in the ordinary course of post.

(6)

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*Mining (Amendment).*

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5 (6) A lease pursuant to an application in respect of which the Minister is required, pursuant to subsection four of this section, to make a recommendation shall only be granted in accordance with that recommendation.

5. The Principal Act is further amended—

Further amendment of Act No. 49, 1906.

- (a) by inserting next after subsection thirteen of section 83B the following new subsection :—

Sec. 83B.  
(Exploration licenses.)

10 (13A) Where an application is made for the renewal or further renewal of an exploration license and the renewal or further renewal is not granted or refused before the day on which the exploration license or renewal would, but for this subsection, expire—

15 (a) the period of the exploration license shall be deemed to have been extended until the application is granted or refused;

20 (b) the Minister may grant or refuse the application after the day on which the exploration license would, but for this subsection, expire; and

25 (c) the provisions of this Act applicable to exploration licenses and the holders thereof shall apply to and in respect of an exploration license and the holder thereof during any period for which it is deemed by paragraph (a) of this subsection to be extended.

(b)

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*Mining (Amendment).*

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- (b) by omitting subsection seven of section 83BA;      Sec. 83BA.  
(Lands held under two or more exploration licenses.)
- (c) by inserting in subsection one of section 83D after      Sec. 83D.  
the word "Act" the words ", unless the lands are (Restriction on rights of holders of licenses over certain lands.)  
so exempted only by reason of their being subject  
to an exploration license".
- 5
6. The Principal Act is further amended—      Further amendment of Act No. 49, 1906.
- (a) by inserting in paragraph (b) of subsection (1B)      Sec. 47.  
of section forty-seven after the word "holder" the (Not to extend to within certain distance of garden or improved land without consent.)  
word "of";
- 10      (b) by omitting paragraph (ai) of subsection two of      Sec. 50.  
section fifty and by inserting in lieu thereof the (Discretion to refuse.)  
following paragraphs :—
- (ai) if the land to which the application relates  
is the subject of a prior application for a  
lease under this Part;
- 15
- (aii) if the land to which the application relates  
is land in respect of which an authority  
to enter is in force;

(c)

*Mining (Amendment).*

- (c) by inserting next after section 108E the following new section :—

New sec.  
108F.

5 108F. Where the Minister has granted consent to an applicant for a lease under this Act or to his nominee to occupy for mining purposes the land applied for and to mine upon and in such land, or to occupy and construct and use works upon and in such land, the applicant or nominee holds the Crown, the Minister and every officer and employee employed in connection with the administration of this Act indemnified against all claims against the Crown, the Minister or any such officer or employee arising out of anything done or omitted to be done pursuant to, or as a consequence of, the giving by the Minister of such consent, or done or omitted to be done by the applicant or nominee or any of his agents or employees on or in respect of lands or any part thereof the subject of that consent.

Minister  
and certain  
other  
persons  
indemnified  
in certain  
circum-  
stances.

- 20 7. The Principal Act is further amended—

Further  
amendment  
of Act No.  
49, 1906.

- (a) by omitting from subsection one of section seven-  
teen the words "any mineral" and by inserting in  
lieu thereof the words "for specified minerals, or  
for gold and specified minerals,";
- 25 (b) (i) by omitting from subsection one of section  
fifty the words "any mineral" and by inserting  
in lieu thereof the words "for specified  
minerals";
- 30 (ii) by inserting in the same subsection after the  
word "Crown" the words ", or for gold and  
any specified minerals so reserved";
- (c) by inserting in subsection one of section fifty-three  
after the word "granted" the words "and shall state  
whether it is granted in respect of gold or in respect  
of specified minerals or in respect of gold and  
specified minerals";
- 35 (d)

Sec. 17.  
(Authority  
to prospect  
on Crown  
land.)

Sec. 50.  
(Warden  
may grant  
authority.)

Sec. 53.  
(Extent of  
area and  
nature of  
deposit.)

*Mining (Amendment).*

- (d) by omitting from subsection one of section 70A the words "any minerals" and by inserting in lieu thereof the words "any specified minerals"; Sec. 70A.  
(Grant of authority to enter.)
- 5 (e) by omitting from subsection one of section 83B the words "any mineral" and by inserting in lieu thereof the words "specified minerals, or gold and specified minerals"; Sec. 83B.  
(Exploration licenses.)
- 10 (f) (i) by omitting from subsection two of section 83BA the words "served on the Minister and"; Sec. 83BA.  
(Lands held under two or more exploration licenses.)
- (ii) by inserting in the same subsection after the word "objection" the words "and served in the prescribed manner";
- (g) by omitting section 83L; Sec. 83L.  
(Measure of compensation.)
- 15 (h) (i) by inserting in subsection one of section one hundred and fifty-five after the word "right," wherever occurring the word "exploration"; Sec. 155.  
(How compensation assessed.)
- (ii) by inserting in subsection two of the same section after the word "right," the word "exploration";
- 20 (iii) by inserting in subsection four of the same section after the word "lease," where firstly occurring the word "exploration";
- (i) (i) by inserting in section 157A after the word "right," the word "exploration"; Sec. 157A.  
(Compensation.)
- 25 (ii) by inserting in the same section after the word "claim," the word "exploration".

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970

[20c]





## **MINING (AMENDMENT) BILL, 1970**

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### **EXPLANATORY NOTE**

THE objects of this Bill are—

- (a) to abolish licenses to prospect;
- (b) to authorise the granting of appropriate mining and prospecting titles relating to salt farming;
- (c) to enable an authority to prospect, an authority to enter or a lease to be granted in respect of land affected by an exploration license relating to a mineral differing from that to which the authority or lease relates;
- (d) to continue an exploration license in force while consideration of a duly made application for its renewal is pending;
- (e) to provide certain indemnities for the Crown, the Minister and the officers and employees engaged in administering the Principal Act;
- (f) to make provisions consequential upon and ancillary to the foregoing.

1937

MINING (AMENDMENT) BILL, 1937

1937

1937

PROOF

No. , 1970.

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## A BILL

To abolish licenses to prospect; to enable an authority to prospect, an authority to enter or a lease to be granted in respect of land affected by an exploration license relating to a mineral differing from that to which the authority or lease relates; for these and other purposes to amend the Mining Act, 1906; and for purposes connected therewith.

[MR FIFE —27 October, 1970.]

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BE

*Mining (Amendment).*

**B**E 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  
5 follows :—

1. (1) This Act may be cited as the "Mining (Amend-  
ment) Act, 1970".

Short title  
and com-  
mencement.

(2) This section shall commence on the day on which  
this Act receives the Royal assent.

10 (3) Subject to subsection two of this section, this Act  
shall commence in accordance with subsection four of this  
section.

15 (4) The Governor may appoint and notify by pro-  
clamation published in the Gazette the day on which a  
provision of this Act shall commence and may, at different  
times, appoint different days for different provisions and the  
provision to which such a proclamation relates shall  
commence as specified therein.

20 (5) The Mining Act, 1906, is in this Act referred to  
as the Principal Act.

2. (1) The Principal Act is amended—

Amendment  
of Act No.  
49, 1906.

(a) (i) by omitting from subsection one of section  
three the definition of "License";

Sec. 3.  
(Interpre-  
tation.)

25 (ii) by omitting from the same subsection the  
definition of "Licensee";

(b) by omitting section 49A and the short heading  
thereto;

Sec. 49A.  
(Application  
for license.)

(c)

*Mining (Amendment).*

- (c) by omitting section fifty-six and by inserting in lieu thereof the following section :—
56. The holder of an authority to enter who, after cancellation of the authority, continues in occupation of the land defined in the authority, or any part thereof, shall be deemed to be a trespasser.
- (d) (i) by omitting from subsection one of section sixty-nine the words “license to prospect or”;  
(ii) by omitting from the same subsection the word “, licensee,”;
- (e) (i) by omitting from paragraph (a) of subsection one of section 83B the word “, license”;  
(ii) by omitting from subsection seventeen of the same section the words “authority, license” wherever occurring and by inserting in lieu thereof the word “authority”;
- (f) (i) by omitting from paragraph (a) of subsection one of section 83C the word “, license”;  
(ii) by omitting from subsection two of the same section the words “authority, license” and by inserting in lieu thereof the word “authority”;
- (g) by omitting from paragraph (a) of subsection one of section one hundred and thirty-three the words “, license to prospect,”;
- (h) (i) by omitting from paragraph (ii) of section one hundred and eighty-four the words “, license to prospect”;  
(ii) by omitting from paragraph (xviii) of the same section the word “, licenses”.

Subst.  
sec. 56.Holder  
continuing  
in occupa-  
tion after  
cancellation  
of an  
authority  
to enter.

Sec. 69.

(Lease or  
agreement  
by owner to  
mine for  
minerals  
reserved  
to the  
Crown.)

Sec. 83B.

(Exploration  
licenses.)

Sec. 83c.

(Disputes  
between  
holders of  
licenses  
and other  
persons  
carrying on  
authorised  
operations.)

Sec. 133.

(Subjects  
within  
jurisdiction  
of court.)

Sec. 184.

(Purposes  
for which  
regulations  
may be  
made.)

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*Mining (Amendment).*

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(2) A license to prospect in force immediately before the commencement of this section shall, notwithstanding the amendments made by subsection one of this section, continue in force as if that subsection had not been  
5 enacted.

3. The Principal Act is further amended—

Further amendment of Act No. 49, 1906.

- 10 (a) by omitting from the definition of "Mine" in subsection one of section three the words "or reef," and by inserting in lieu thereof the words "reef or salt-pan (whether or not the salt-pan is natural or has been artificially created)";
- (b) by inserting in the definition of "To mine" in the same subsection after the word "earth" the words "or water".

Sec. 3.

(Interpretation.)

15 4. The Principal Act is further amended—

Further amendment of Act No. 49, 1906.

- 20 (a) (i) by inserting in subsection one of section seventeen after the word "subject" the words "to this section and";
- (ii) by omitting from the same subsection the words "or an exploration license granted under Part IVA of this Act (not being an exploration license held by the applicant)";
- (iii) by omitting from the same subsection the words "or license";

Sec. 17.

(Authority to prospect on Crown lands.)

(iv)

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*Mining (Amendment).*

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(iv) by inserting next after the same subsection the following new subsection :—

(1A) An application for an authority to prospect on any land—

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(a) shall not be finally dealt with where—

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(i) application for an exploration license affecting that land was made before application was made for the authority to prospect;

(ii) the exploration license so applied for has neither been granted nor refused; and

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(iii) the authority to prospect has not been applied for by the applicant for the exploration license or by some person with his consent;

20

(b) shall not be granted in respect of gold (whether alone or together with minerals) if an exploration license for the purpose of prospecting for gold (whether alone or together with minerals) affects the same land and the authority to prospect has not been applied for by the holder of that license or by some person with his consent; and

25

30

(c) shall not be granted in respect of a mineral (whether alone or together with other minerals) if an exploration license for the purpose of prospecting for that mineral (whether alone or together with other minerals) affects the same land and the authority to prospect has not been applied for by the holder of that license or by some person with his consent.

35

(v)

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*Mining (Amendment).*

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(v) by omitting from subsection two of the same section the words "The application" and by inserting in lieu thereof the words "An application for an authority to prospect";

5 (vi) by inserting next after subsection (2A) of the same section the following new subsections :—

10 (2B) Where application is made for an authority to prospect on land affected by an exploration license and the holder of the license, or some person with his consent, is not the applicant, the Minister shall, unless granting of the authority to prospect is prohibited by paragraph (b) or (c) of subsection (1A) of this section, cause notice of the application to be served on the holder of the exploration license.

15 (2C) The holder of an exploration license on whom a notice has been served under subsection (2B) of this section may object to the granting of an authority to prospect pursuant to the application to which the notice relates by serving, in the prescribed manner and within the prescribed period after service of the notice, an instrument in writing specifying the grounds of his objection.

20 (2D) Where the holder of an exploration license objects, pursuant to subsection (2C) of this section, to the grant of an authority to prospect, the Minister—

25 (a) shall refer the application for the authority, and the objection, to the Chief Inspector of Mines appointed under the Mines Inspection Act, 1901, or the Chief Inspector of Coal Mines appointed under the Coal Mines Regulation Act, 1912, for investigation and report; and

(b)



*Mining (Amendment).*

(b) shall, after considering that report and such other information as he considers relevant—

(i) grant or refuse the application;  
or

(ii) grant the application subject to such conditions, provisions and stipulations as he thinks fit.

(2E) A notice referred to in subsection (2B) of this section may be served—

(a) by delivering it to the person to whom it is directed; or

(b) by sending it by certified mail to the person on whom it is to be served, addressed to him at his last known place of abode or business or, where that person is a company, to the registered office of the company,

and, where the notice is served in accordance with paragraph (b) of this subsection, it shall be deemed to have been served at the time it would have been delivered to the addressee in the ordinary course of post.

(vii) by omitting from subsection six of the same section the words “such application” and by inserting in lieu thereof the words “application for an authority to prospect”;

(b) (i) by omitting from paragraph (bi) of subsection two of section twenty-three the words “or an exploration license” wherever occurring; Sec. 23. (Governor may grant leases.)

(ii) by omitting from the same paragraph the words “or exploration license” wherever occurring;

(iii) by omitting from the same paragraph the words “or license” wherever occurring;

(iv)

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*Mining (Amendment).*

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(iv) by inserting at the end of the same subsection the following new paragraph :—

5 (f) A lease pursuant to an application in respect of which the Minister is required, pursuant to subsection seven of section twenty-seven of this Act to make a recommendation shall only be granted in accordance with that recommendation.

10 (v) by inserting next after subsection (2B) of the same section the following new subsection :—

(2c) An application for a lease of land under this Part—

(a) shall not be finally dealt with where—

15 (i) application for an exploration license affecting that land was made before the marking out of the land the subject of the application for the lease;

20 (ii) the exploration license so applied for has neither been granted nor refused; and

25 (iii) the lease has not been applied for by the applicant for the exploration license or by some person with his consent;

(b) shall not be granted in respect of gold (whether alone or together with minerals) if an exploration license for the

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*Mining (Amendment).*

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5 the purpose of prospecting for gold  
(whether alone or together with  
minerals) affects the same land and  
the lease has not been applied for by  
the holder of that license or by some  
person with his consent; and

10 (c) shall not be granted in respect of a  
mineral (whether alone or together  
with other minerals) if an exploration  
license for the purpose of prospecting  
for that mineral (whether alone or  
together with other minerals) affects  
the same land and the lease has not  
15 been applied for by the holder of that  
license or by some person with his  
consent.

(c) by inserting next after subsection four of section Sec. 27.  
twenty-seven the following new subsections :— (Irregular  
application  
may be  
granted.)

20 (5) Where application is made under this Part  
for a lease of land affected by an exploration license  
and the holder of the license, or some person with  
his consent, is not the applicant, the Minister shall,  
unless granting of the lease is prohibited by para-  
graph (b) or (c) of subsection (2C) of section  
25 twenty-three of this Act, cause notice of the applica-  
tion to be served on the holder of the exploration  
license.

30 (6) The holder of an exploration license on  
whom a notice has been served under subsection  
five of this section may object to the granting of a  
lease pursuant to the application to which the  
notice relates by serving, in the prescribed manner  
and within the prescribed period after service of  
35 the notice, an instrument in writing specifying the  
grounds of his objection.

(7)

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*Mining (Amendment).*

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(7) Where the holder of an exploration license objects, pursuant to subsection six of this section, to the grant of a lease, the Minister—

5 (a) shall refer the application for the lease, and the objection, to the Chief Inspector of Mines appointed under the Mines Inspection Act, 1901, or the Chief Inspector of Coal Mines appointed under the Coal Mines Regulation Act, 1912, for investigation and report; and

10 (b) shall, after considering that report and such other information as he considers relevant, recommend to the Governor that the application for the lease—

15 (i) be granted subject to the covenants, conditions, reservations and exemptions specified in the recommendation; or

(ii) be refused.

20 (8) A notice referred to in subsection five of this section may be served—

(a) by delivering it to the person to whom it is directed; or

25 (b) by sending it by certified mail to the person on whom it is to be served, addressed to him at his last known place of abode or business or, where that person is a company, to the registered office of the company,

30 and, where the notice is served in accordance with paragraph (b) of this subsection, it shall be deemed to have been served at the time it would have been delivered to the addressee in the ordinary course of post.

(d)

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*Mining (Amendment).*

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(d) (i) by omitting from subsection three of section Sec. 46.  
forty-six the words "or to carry on operations (Exempted  
under an exploration license"; land.)

5 (ii) by omitting from the same subsection the  
words ", or in respect of land the subject of an  
application for an exploration license made  
before the time of the making of the applica-  
tion for the authority to enter";

10 (iii) by inserting next after the same subsection the  
following new subsections : —

(4) An application for an authority to  
enter in and upon any land under this Part—

(a) shall not be finally dealt with where—

15 (i) application for an exploration  
license affecting that land was  
made before application was  
made for the authority to  
enter;

20 (ii) the exploration license so  
applied for has neither been  
granted nor refused; and

25 (iii) the authority to enter has not  
been applied for by the appli-  
cant for the exploration license  
or by some person with his  
consent;

30 (b) shall not be granted in respect of gold  
(whether alone or together with  
minerals) if an exploration license for  
the purpose of prospecting for gold  
affects the same land and the authority  
to enter has not been applied for by  
the holder of that license or by some  
person with his consent; and

(c)

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*Mining (Amendment).*

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5 (c) shall not be granted in respect of a mineral (whether alone or together with other minerals) if an exploration license for the purpose of prospecting for that mineral (whether alone or together with other minerals) affects the same land and the authority to enter has not been applied for by the holder of that license or by some person with his consent.

10 (5) Where application is made for an authority to enter in and upon land under this Part and that land is affected by an exploration license and the holder of the license, or some person with his consent, is not the applicant, the Minister shall, unless granting of the authority to enter is prohibited by paragraph (b) or (c) of subsection four of this section, cause notice of the application to be served on the holder of the exploration license.

15 (6) The holder of an exploration license on whom a notice has been served under subsection five of this section may object to the granting of an authority to enter pursuant to the application to which the notice relates by serving, in the prescribed manner and within the prescribed period after service of the notice, an instrument in writing specifying the grounds of his objection.

20 (7) Where the holder of an exploration license objects, pursuant to subsection six of this section, to the grant of an authority to enter, the Minister—

25 (a) shall refer the application for the authority, and the objection, to the Chief Inspector of Mines appointed under the Mines Inspection Act, 1901, or the Chief Inspector of Coal Mines appointed

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*Mining (Amendment).*

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appointed under the Coal Mines Regulation Act, 1912, for investigation and report; and

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(b) shall, after considering that report and such other information as he considers relevant—

(i) dismiss the objection;

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(ii) direct the warden not to grant the application unless he imposes conditions specified in the direction, whether or not he imposes other conditions; or

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(iii) direct the warden to refuse the application.

(8) The warden shall comply with a direction given to him by the Minister under subsection seven of this section.

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(9) A notice referred to in subsection five of this section may be served—

(a) by delivering it to the person to whom it is directed; or

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(b) by sending it by certified mail to the person on whom it is to be served, addressed to him at his last known place of abode or business or, where that person is a company, to the registered office of the company,

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and, where the notice is served in accordance with paragraph (b) of this subsection, it shall be deemed to have been served at the time it would have been delivered to the addressee in the ordinary course of post.

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(e) by inserting in paragraph (a) of subsection two of section fifty after the word "three" the words "or four, or of subsections seven and eight,";

(f)

Sec. 50.  
(Warden may grant authority.)

*Mining (Amendment).*

(f) (i) by omitting from subsection five of section <sup>Sec. 58.</sup> fifty-eight the words "or an exploration <sup>(Power to refuse, &c.)</sup> license" wherever occurring;

5 (ii) by omitting from the same subsection the words "or exploration license" wherever occurring;

(iii) by omitting from the same subsection the words "or license" wherever occurring;

10 (iv) by inserting next after the same subsection the following new subsections :—

(6) An application for a lease of private land under this Part—

(a) shall not be finally dealt with where—

15 (i) application for an exploration license affecting that land was made before the marking out of the land the subject of the application for the lease;

20 (ii) the exploration license so applied for has neither been granted nor refused; and

25 (iii) the lease has not been applied for by the applicant for the exploration license or by some person with his consent;

30 (b) shall not be granted in respect of gold (whether alone or together with minerals) if an exploration license for the purpose of prospecting for gold (whether alone or together with minerals) affects the same land and the lease has not been applied for by the holder of that license or by some person with his consent; and

(c)



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*Mining (Amendment).*

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5 (c) shall not be granted in respect of a mineral (whether alone or together with other minerals) if an exploration license for the purpose of prospecting for that mineral (whether alone or together with other minerals) affects the same land and the lease has not been applied for by the holder of that license or by some person with his consent.

15 (7) Where application is made under this Part for a lease of land affected by an exploration license and the holder of the license, or some person with his consent, is not the applicant, the Minister shall, unless granting of the lease is prohibited by paragraph (b) or (c) of subsection six of this section, cause notice of the application to be served on the holder of the exploration license.

20 (8) The holder of an exploration license on whom a notice has been served under subsection seven of this section may object to the granting of a lease pursuant to the application to which the notice relates by serving, in the prescribed manner and within the prescribed period after service of the notice, an instrument in writing specifying the grounds of his objection.

30 (9) Where the holder of an exploration license objects, pursuant to subsection eight of this section, to the grant of a lease, the Minister—

35 (a) shall refer the application for the lease, and the objection, to the Chief Inspector of Mines appointed under the Mines Inspection Act, 1901, or the Chief Inspector of Coal Mines appointed

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*Mining (Amendment).*

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appointed under the Coal Mines Regulation Act, 1912, for investigation and report; and

5 (b) shall, after considering that report and such other information as he considers relevant, recommend to the Governor that the application for the lease—

10 (i) be granted subject to the covenants, conditions, reservations and exemptions specified in the recommendation; or

(ii) be refused.

15 (10) A notice referred to in subsection seven of this section may be served—

(a) by delivering it to the person to whom it is directed; or

20 (b) by sending it by certified mail to the person on whom it is to be served, addressed to him at his last known place of abode or business or, where that person is a company, to the registered office of the company,

25 and, where the notice is served in accordance with paragraph (b) of this subsection, it shall be deemed to have been served at the time it would have been delivered to the addressee in the ordinary course of post.

30 (11) A lease pursuant to an application in respect of which the Minister is required, pursuant to subsection nine of this section, to make a recommendation shall only be granted in accordance with that recommendation.

(g)

*Mining (Amendment).*

(g) by inserting in subsection one of section 83BA after the word "license" where firstly occurring the words "or some person with his consent";

Sec. 83BA.  
(Lands held under two or more exploration licenses.)

5 (h) by inserting next after the same section the following new section :—

New sec. 83BB.

10 83BB. The Minister shall cancel an exploration license to the extent to which it affects land in respect of which an authority to prospect, an authority to enter or a lease has been granted and is in force—

Authority to prospect, &c., over land subject to exploration license.

(a) in respect of gold, where the exploration license is in respect of gold; or

(b) in respect of a mineral, where the exploration license is in respect of that mineral.

15 (i) by omitting from subsection one of section eighty-six the words "held by the applicant";

Sec. 86.  
(Governor may grant leases for purposes of mining by dredging, &c., and of what lands.)

(j) by inserting next after section 86A the following new section :—

New sec. 86B.

20 86B. (1) An application for a lease of land under this Part—

Lease of land subject to exploration license.

(a) shall not be finally dealt with where—

25 (i) application for an exploration license affecting that land was made before the marking out of the land the subject of the application for the lease;

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*Mining (Amendment).*

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(ii) the exploration license applied for has neither been granted nor refused; and

(iii) the lease has not been applied for by the applicant for the exploration license or by some person with his consent;

(b) shall not be granted in respect of gold (whether alone or together with minerals) if an exploration license for the purpose of prospecting for gold (whether alone or together with minerals) affects the same land and the lease has not been applied for by the holder of that license or by some person with his consent;

(c) shall not be granted in respect of a mineral (whether alone or together with other minerals) if an exploration license for the purpose of prospecting for that mineral (whether alone or together with other minerals) affects the same land and the lease has not been applied for by the holder of that license or by some person with his consent.

(2) Where application has been made under this Part for a lease of land affected by an exploration license, the Minister shall, unless the granting of the lease is prohibited by paragraph (b) or (c) of subsection one of this section, cause notice of the application to be served on the holder of the exploration license.

(3) The holder of an exploration license on whom a notice has been served under subsection two of this section may object to the granting of a lease pursuant to the application to which the notice relates by serving, in the prescribed manner and within

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*Mining (Amendment).*

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within the prescribed period after service of the notice, an instrument in writing specifying the grounds of his objection.

5 (4) Where the holder of an exploration license objects, pursuant to subsection three of this section, to the grant of a lease, the Minister—

10 (a) shall refer the application for the lease, and the objection, to the Chief Inspector of Mines appointed under the Mines Inspection Act, 1901, or the Chief Inspector of Coal Mines appointed under the Coal Mines Regulation Act, 1912, for investigation and report; and

15 (b) shall, after considering that report and such other information as he considers relevant, recommend to the Governor that the application for the lease—

20 (i) be granted subject to the covenants, conditions, reservations and exemptions specified in the recommendation; or

(ii) be refused.

(5) A notice referred to in subsection two of this section may be served—

25 (a) by delivering it to the person to whom it is directed; or

30 (b) by sending it by certified mail to the person on whom it is to be served, addressed to him at his last known place of abode or business or, where that person is a company, to the registered office of the company,

35 and, where the notice is served in accordance with paragraph (b) of this subsection, it shall be deemed to have been served at the time it would have been delivered to the addressee in the ordinary course of post.

(6)

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*Mining (Amendment).*

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5 (6) A lease pursuant to an application in respect of which the Minister is required, pursuant to subsection four of this section, to make a recommendation shall only be granted in accordance with that recommendation.

5. The Principal Act is further amended—

Further amendment of Act No. 49, 1906.

- (a) by inserting next after subsection thirteen of section 83B the following new subsection :—

Sec. 83B.  
(Exploration licenses.)

10 (13A) Where an application is made for the renewal or further renewal of an exploration license and the renewal or further renewal is not granted or refused before the day on which the exploration license or renewal would, but for this subsection, expire—

15 (a) the period of the exploration license shall be deemed to have been extended until the application is granted or refused;

20 (b) the Minister may grant or refuse the application after the day on which the exploration license would, but for this subsection, expire; and

25 (c) the provisions of this Act applicable to exploration licenses and the holders thereof shall apply to and in respect of an exploration license and the holder thereof during any period for which it is deemed by paragraph (a) of this subsection to be extended.

(b)

*Mining (Amendment).*

(b) by omitting subsection seven of section 83BA;

Sec. 83BA.  
(Lands held under two or more exploration licenses.)

(c) by inserting in subsection one of section 83D after the word "Act" the words " , unless the lands are so exempted only by reason of their being subject to an exploration license".

Sec. 83D.  
(Restriction on rights of holders of licenses over certain lands.)

5

6. The Principal Act is further amended—

Further amendment of Act No. 49, 1906.

(a) by inserting in paragraph (b) of subsection (1B) of section forty-seven after the word "holder" the word "of";

Sec. 47.  
(Not to extend to within certain distance of garden or improved land without consent.)

10 (b) by omitting paragraph (ai) of subsection two of section fifty and by inserting in lieu thereof the following paragraphs :—

Sec. 50.  
(Discretion to refuse.)

(ai) if the land to which the application relates is the subject of a prior application for a lease under this Part;

15

(aii) if the land to which the application relates is land in respect of which an authority to enter is in force;

(c)

*Mining (Amendment).*

- (c) by inserting next after section 108E the following new section :— New sec.  
108F.

5           108F. Where the Minister has granted consent to an applicant for a lease under this Act or to his nominee to occupy for mining purposes the land applied for and to mine upon and in such land, or to occupy and construct and use works upon and in such land, the applicant or nominee holds the Crown, the Minister and every officer and employee employed in connection with the administration of this Act indemnified against all claims against the Crown, the Minister or any such officer or employee arising out of anything done or omitted to be done pursuant to, or as a consequence of, the giving by the Minister of such consent, or done or omitted to be done by the applicant or nominee or any of his agents or employees on or in respect of lands or any part thereof the subject of that consent. Minister  
and certain  
other  
persons  
indemnified  
in certain  
circum-  
stances.

10

15

- 20   **7.** The Principal Act is further amended—

(a) by omitting from subsection one of section seven- Further  
amendment  
of Act No.  
49, 1906.  
teen the words "any mineral" and by inserting in lieu thereof the words "for specified minerals, or for gold and specified minerals,"; Sec. 17.  
(Authority  
to prospect  
on Crown  
land.)

25   (b) (i) by omitting from subsection one of section fifty the words "any mineral" and by inserting in lieu thereof the words "for specified minerals"; Sec. 50.  
(Warden  
may grant  
authority.)

30       (ii) by inserting in the same subsection after the word "Crown" the words ", or for gold and any specified minerals so reserved";

35   (c) by inserting in subsection one of section fifty-three after the word "granted" the words "and shall state whether it is granted in respect of gold or in respect of specified minerals or in respect of gold and specified minerals"; Sec. 53.  
(Extent of  
area and  
nature of  
deposit.)

(d)



*Mining (Amendment).*

- (d) by omitting from subsection one of section 70A the words "any minerals" and by inserting in lieu thereof the words "any specified minerals"; Sec. 70A.  
(Grant of authority to enter.)
- 5 (e) by omitting from subsection one of section 83B the words "any mineral" and by inserting in lieu thereof the words "specified minerals, or gold and specified minerals"; Sec. 83B.  
(Exploration licenses.)
- 10 (f) (i) by omitting from subsection two of section 83BA the words "served on the Minister and"; Sec. 83BA.  
(Lands held under two or more exploration licenses.)
- (ii) by inserting in the same subsection after the word "objection" the words "and served in the prescribed manner";
- (g) by omitting section 83L; Sec. 83L.  
(Measure of compensation.)
- 15 (h) (i) by inserting in subsection one of section one hundred and fifty-five after the word "right," wherever occurring the word "exploration"; Sec. 155.  
(How compensation assessed.)
- (ii) by inserting in subsection two of the same section after the word "right," the word "exploration";
- 20 (iii) by inserting in subsection four of the same section after the word "lease," where firstly occurring the word "exploration";
- (i) (i) by inserting in section 157A after the word "right," the word "exploration"; Sec. 157A.  
(Compensation.)
- 25 (ii) by inserting in the same section after the word "claim," the word "exploration".

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BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970

THE UNIVERSITY OF CHICAGO  
PHYSICS DEPARTMENT  
CHICAGO, ILLINOIS 60637

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BY ALBERT EINSTEIN

1905

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ANNO UNDEVICESIMO

**ELIZABETHÆ II REGINÆ**

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**Act No. 65, 1970.**

An Act to abolish licenses to prospect; to enable an authority to prospect, an authority to enter or a lease to be granted in respect of land affected by an exploration license relating to a mineral differing from that to which the authority or lease relates; for these and other purposes to amend the Mining Act, 1906; and for purposes connected therewith. [Assented to, 19th November, 1970.]

BE

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*Mining (Amendment).*

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**B**E 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 com-  
mencement.

1. (1) This Act may be cited as the "Mining (Amendment) Act, 1970".

(2) This section shall commence on the day on which this Act receives the Royal assent.

(3) Subject to subsection two of this section, this Act shall commence in accordance with subsection four of this section.

(4) The Governor may appoint and notify by proclamation published in the Gazette the day on which a provision of this Act shall commence and may, at different times, appoint different days for different provisions and the provision to which such a proclamation relates shall commence as specified therein.

(5) The Mining Act, 1906, is in this Act referred to as the Principal Act.

Amendment  
of Act No.  
49, 1906.

2. (1) The Principal Act is amended—

Sec. 3.  
(Interpre-  
tation.)

(a) (i) by omitting from subsection one of section three the definition of "License";

(ii) by omitting from the same subsection the definition of "Licensee";

Sec. 49A.  
(Application  
for license.)

(b) by omitting section 49A and the short heading thereto;

(c)

*Mining (Amendment).*

- (c) by omitting section fifty-six and by inserting in lieu thereof the following section :—
- Subst.  
sec. 56.
56. The holder of an authority to enter who, after cancellation of the authority, continues in occupation of the land defined in the authority, or any part thereof, shall be deemed to be a trespasser.
- Holder continuing in occupation after cancellation of an authority to enter.
- (d) (i) by omitting from subsection one of section sixty-nine the words “license to prospect or”;
- Sec. 69.  
(Lease or agreement by owner to mine for minerals reserved to the Crown.)
- (ii) by omitting from the same subsection the word “, licensee,”;
- (e) (i) by omitting from paragraph (a) of subsection one of section 83B the word “, license”;
- Sec. 83B.  
(Exploration licenses.)
- (ii) by omitting from subsection seventeen of the same section the words “authority, license” wherever occurring and by inserting in lieu thereof the word “authority”;
- (f) (i) by omitting from paragraph (a) of subsection one of section 83C the word “, license”;
- Sec. 83c.  
(Disputes between holders of licenses and other persons carrying on authorised operations.)
- (ii) by omitting from subsection two of the same section the words “authority, license” and by inserting in lieu thereof the word “authority”;
- (g) by omitting from paragraph (a) of subsection one of section one hundred and thirty-three the words “, license to prospect,”;
- Sec. 133.  
(Subjects within jurisdiction of court.)
- (h) (i) by omitting from paragraph (ii) of section one hundred and eighty-four the words “, license to prospect”;
- Sec. 184.  
(Purposes for which regulations may be made.)
- (ii) by omitting from paragraph (xviii) of the same section the word “, licenses”.

*Mining (Amendment).*

(2) A license to prospect in force immediately before the commencement of this section shall, notwithstanding the amendments made by subsection one of this section, continue in force as if that subsection had not been enacted.

Further amendment of Act No. 49, 1906.

3. The Principal Act is further amended—

Sec. 3. (Interpretation.)

- (a) by omitting from the definition of "Mine" in subsection one of section three the words "or reef," and by inserting in lieu thereof the words "reef or salt-pan (whether or not the salt-pan is natural or has been artificially created)";
- (b) by inserting in the definition of "To mine" in the same subsection after the word "earth" the words "or water".

Further amendment of Act No. 49, 1906.

4. The Principal Act is further amended—

Sec. 17. (Authority to prospect on Crown lands.)

- (a) (i) by inserting in subsection one of section seventeen after the word "subject" the words "to this section and";
- (ii) by omitting from the same subsection the words "or an exploration license granted under Part IVA of this Act (not being an exploration license held by the applicant)";
- (iii) by omitting from the same subsection the words "or license";

(iv)

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*Mining (Amendment).*

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(iv) by inserting next after the same subsection the following new subsection :—

(1A) An application for an authority to prospect on any land—

(a) shall not be finally dealt with where—

(i) application for an exploration license affecting that land was made before application was made for the authority to prospect;

(ii) the exploration license so applied for has neither been granted nor refused; and

(iii) the authority to prospect has not been applied for by the applicant for the exploration license or by some person with his consent;

(b) shall not be granted in respect of gold (whether alone or together with minerals) if an exploration license for the purpose of prospecting for gold (whether alone or together with minerals) affects the same land and the authority to prospect has not been applied for by the holder of that license or by some person with his consent; and

(c) shall not be granted in respect of a mineral (whether alone or together with other minerals) if an exploration license for the purpose of prospecting for that mineral (whether alone or together with other minerals) affects the same land and the authority to prospect has not been applied for by the holder of that license or by some person with his consent.

(v)

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*Mining (Amendment).*

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- (v) by omitting from subsection two of the same section the words "The application" and by inserting in lieu thereof the words "An application for an authority to prospect";
- (vi) by inserting next after subsection (2A) of the same section the following new subsections :—

(2B) Where application is made for an authority to prospect on land affected by an exploration license and the holder of the license, or some person with his consent, is not the applicant, the Minister shall, unless granting of the authority to prospect is prohibited by paragraph (b) or (c) of subsection (1A) of this section, cause notice of the application to be served on the holder of the exploration license.

(2C) The holder of an exploration license on whom a notice has been served under subsection (2B) of this section may object to the granting of an authority to prospect pursuant to the application to which the notice relates by serving, in the prescribed manner and within the prescribed period after service of the notice, an instrument in writing specifying the grounds of his objection.

(2D) Where the holder of an exploration license objects, pursuant to subsection (2C) of this section, to the grant of an authority to prospect, the Minister—

- (a) shall refer the application for the authority, and the objection, to the Chief Inspector of Mines appointed under the Mines Inspection Act, 1901, or the Chief Inspector of Coal Mines appointed under the Coal Mines Regulation Act, 1912, for investigation and report; and

(b)



*Mining (Amendment).*

(b) shall, after considering that report and such other information as he considers relevant—

(i) grant or refuse the application ;  
or

(ii) grant the application subject to such conditions, provisions and stipulations as he thinks fit.

(2E) A notice referred to in subsection (2B) of this section may be served—

(a) by delivering it to the person to whom it is directed ; or

(b) by sending it by certified mail to the person on whom it is to be served, addressed to him at his last known place of abode or business or, where that person is a company, to the registered office of the company,

and, where the notice is served in accordance with paragraph (b) of this subsection, it shall be deemed to have been served at the time it would have been delivered to the addressee in the ordinary course of post.

(vii) by omitting from subsection six of the same section the words “such application” and by inserting in lieu thereof the words “application for an authority to prospect” ;

(b) (i) by omitting from paragraph (bi) of subsection two of section twenty-three the words “or an exploration license” wherever occurring ;

Sec. 23.  
(Governor may grant leases.)

(ii) by omitting from the same paragraph the words “or exploration license” wherever occurring ;

(iii) by omitting from the same paragraph the words “or license” wherever occurring ;

(iv)

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*Mining (Amendment).*

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(iv) by inserting at the end of the same subsection the following new paragraph :—

(f) A lease pursuant to an application in respect of which the Minister is required, pursuant to subsection seven of section twenty-seven of this Act to make a recommendation shall only be granted in accordance with that recommendation.

(v) by inserting next after subsection (2B) of the same section the following new subsection :—

(2c) An application for a lease of land under this Part—

(a) shall not be finally dealt with where—

(i) application for an exploration license affecting that land was made before the marking out of the land the subject of the application for the lease ;

(ii) the exploration license so applied for has neither been granted nor refused ; and

(iii) the lease has not been applied for by the applicant for the exploration license or by some person with his consent ;

(b) shall not be granted in respect of gold (whether alone or together with minerals) if an exploration license for the

*Mining (Amendment).*

the purpose of prospecting for gold (whether alone or together with minerals) affects the same land and the lease has not been applied for by the holder of that license or by some person with his consent; and

- (c) shall not be granted in respect of a mineral (whether alone or together with other minerals) if an exploration license for the purpose of prospecting for that mineral (whether alone or together with other minerals) affects the same land and the lease has not been applied for by the holder of that license or by some person with his consent.

- (c) by inserting next after subsection four of section twenty-seven the following new subsections:—

Sec. 27.  
(Irregular  
application  
may be  
granted.)

(5) Where application is made under this Part for a lease of land affected by an exploration license and the holder of the license, or some person with his consent, is not the applicant, the Minister shall, unless granting of the lease is prohibited by paragraph (b) or (c) of subsection (2c) of section twenty-three of this Act, cause notice of the application to be served on the holder of the exploration license.

(6) The holder of an exploration license on whom a notice has been served under subsection five of this section may object to the granting of a lease pursuant to the application to which the notice relates by serving, in the prescribed manner and within the prescribed period after service of the notice, an instrument in writing specifying the grounds of his objection.

(7)

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*Mining (Amendment).*

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(7) Where the holder of an exploration license objects, pursuant to subsection six of this section, to the grant of a lease, the Minister—

- (a) shall refer the application for the lease, and the objection, to the Chief Inspector of Mines appointed under the Mines Inspection Act, 1901, or the Chief Inspector of Coal Mines appointed under the Coal Mines Regulation Act, 1912, for investigation and report; and
- (b) shall, after considering that report and such other information as he considers relevant, recommend to the Governor that the application for the lease—
  - (i) be granted subject to the covenants, conditions, reservations and exemptions specified in the recommendation; or
  - (ii) be refused.

(8) A notice referred to in subsection five of this section may be served—

- (a) by delivering it to the person to whom it is directed; or
- (b) by sending it by certified mail to the person on whom it is to be served, addressed to him at his last known place of abode or business or, where that person is a company, to the registered office of the company,

and, where the notice is served in accordance with paragraph (b) of this subsection, it shall be deemed to have been served at the time it would have been delivered to the addressee in the ordinary course of post.

(d)

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*Mining (Amendment).*

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(d) (i) by omitting from subsection three of section Sec. 46.  
forty-six the words “or to carry on operations (Exempted  
under an exploration license”; land.)

(ii) by omitting from the same subsection the words “, or in respect of land the subject of an application for an exploration license made before the time of the making of the application for the authority to enter”;

(iii) by inserting next after the same subsection the following new subsections :—

(4) An application for an authority to enter in and upon any land under this Part—

(a) shall not be finally dealt with where—

(i) application for an exploration license affecting that land was made before application was made for the authority to enter;

(ii) the exploration license so applied for has neither been granted nor refused; and

(iii) the authority to enter has not been applied for by the applicant for the exploration license or by some person with his consent;

(b) shall not be granted in respect of gold (whether alone or together with minerals) if an exploration license for the purpose of prospecting for gold affects the same land and the authority to enter has not been applied for by the holder of that license or by some person with his consent; and

(c)

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*Mining (Amendment).*

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(c) shall not be granted in respect of a mineral (whether alone or together with other minerals) if an exploration license for the purpose of prospecting for that mineral (whether alone or together with other minerals) affects the same land and the authority to enter has not been applied for by the holder of that license or by some person with his consent.

(5) Where application is made for an authority to enter in and upon land under this Part and that land is affected by an exploration license and the holder of the license, or some person with his consent, is not the applicant, the Minister shall, unless granting of the authority to enter is prohibited by paragraph (b) or (c) of subsection four of this section, cause notice of the application to be served on the holder of the exploration license.

(6) The holder of an exploration license on whom a notice has been served under subsection five of this section may object to the granting of an authority to enter pursuant to the application to which the notice relates by serving, in the prescribed manner and within the prescribed period after service of the notice, an instrument in writing specifying the grounds of his objection.

(7) Where the holder of an exploration license objects, pursuant to subsection six of this section, to the grant of an authority to enter, the Minister—

(a) shall refer the application for the authority, and the objection, to the Chief Inspector of Mines appointed under the Mines Inspection Act, 1901, or the Chief Inspector of Coal Mines  
appointed

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*Mining (Amendment).*

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appointed under the Coal Mines Regulation Act, 1912, for investigation and report; and

(b) shall, after considering that report and such other information as he considers relevant—

- (i) dismiss the objection;
- (ii) direct the warden not to grant the application unless he imposes conditions specified in the direction, whether or not he imposes other conditions; or
- (iii) direct the warden to refuse the application.

(8) The warden shall comply with a direction given to him by the Minister under subsection seven of this section.

(9) A notice referred to in subsection five of this section may be served—

- (a) by delivering it to the person to whom it is directed; or
- (b) by sending it by certified mail to the person on whom it is to be served, addressed to him at his last known place of abode or business or, where that person is a company, to the registered office of the company,

and, where the notice is served in accordance with paragraph (b) of this subsection, it shall be deemed to have been served at the time it would have been delivered to the addressee in the ordinary course of post.

- (e) by inserting in paragraph (a) of subsection two of section fifty after the word “three” the words “or four, or of subsections seven and eight,”;
- (f)
- Sec. 50.  
(Warden may grant authority.)

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*Mining (Amendment).*


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Sec. 58.  
(Power to  
refuse, &c.)

- (f) (i) by omitting from subsection five of section fifty-eight the words "or an exploration license" wherever occurring;
- (ii) by omitting from the same subsection the words "or exploration license" wherever occurring;
- (iii) by omitting from the same subsection the words "or license" wherever occurring;
- (iv) by inserting next after the same subsection the following new subsections :—

(6) An application for a lease of private land under this Part—

(a) shall not be finally dealt with where—

- (i) application for an exploration license affecting that land was made before the marking out of the land the subject of the application for the lease;
- (ii) the exploration license so applied for has neither been granted nor refused; and
- (iii) the lease has not been applied for by the applicant for the exploration license or by some person with his consent;
- (b) shall not be granted in respect of gold (whether alone or together with minerals) if an exploration license for the purpose of prospecting for gold (whether alone or together with minerals) affects the same land and the lease has not been applied for by the holder of that license or by some person with his consent; and

(c)



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*Mining (Amendment).*

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(c) shall not be granted in respect of a mineral (whether alone or together with other minerals) if an exploration license for the purpose of prospecting for that mineral (whether alone or together with other minerals) affects the same land and the lease has not been applied for by the holder of that license or by some person with his consent.

(7) Where application is made under this Part for a lease of land affected by an exploration license and the holder of the license, or some person with his consent, is not the applicant, the Minister shall, unless granting of the lease is prohibited by paragraph (b) or (c) of subsection six of this section, cause notice of the application to be served on the holder of the exploration license.

(8) The holder of an exploration license on whom a notice has been served under subsection seven of this section may object to the granting of a lease pursuant to the application to which the notice relates by serving, in the prescribed manner and within the prescribed period after service of the notice, an instrument in writing specifying the grounds of his objection.

(9) Where the holder of an exploration license objects, pursuant to subsection eight of this section, to the grant of a lease, the Minister—

(a) shall refer the application for the lease, and the objection, to the Chief Inspector of Mines appointed under the Mines Inspection Act, 1901, or the Chief Inspector of Coal Mines appointed

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*Mining (Amendment).*

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appointed under the Coal Mines Regulation Act, 1912, for investigation and report; and

- (b) shall, after considering that report and such other information as he considers relevant, recommend to the Governor that the application for the lease—
  - (i) be granted subject to the covenants, conditions, reservations and exemptions specified in the recommendation; or
  - (ii) be refused.

(10) A notice referred to in subsection seven of this section may be served—

- (a) by delivering it to the person to whom it is directed; or
- (b) by sending it by certified mail to the person on whom it is to be served, addressed to him at his last known place of abode or business or, where that person is a company, to the registered office of the company,

and, where the notice is served in accordance with paragraph (b) of this subsection, it shall be deemed to have been served at the time it would have been delivered to the addressee in the ordinary course of post.

(11) A lease pursuant to an application in respect of which the Minister is required, pursuant to subsection nine of this section, to make a recommendation shall only be granted in accordance with that recommendation.

(g)

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*Mining (Amendment).*


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- (g) by inserting in subsection one of section 83BA after the word "license" where firstly occurring the words "or some person with his consent"; Sec. 83BA.  
(Lands held under two or more exploration licenses.)
- (h) by inserting next after the same section the following new section :— New sec.  
83BB.

83BB. The Minister shall cancel an exploration license to the extent to which it affects land in respect of which an authority to prospect, an authority to enter or a lease has been granted and is in force— Authority to prospect, &c., over land subject to exploration license.

- (a) in respect of gold, where the exploration license is in respect of gold; or
- (b) in respect of a mineral, where the exploration license is in respect of that mineral.

- (i) by omitting from subsection one of section eighty-six the words "held by the applicant"; Sec. 86.  
(Governor may grant leases for purposes of mining by dredging, &c., and of what lands.)
- (j) by inserting next after section 86A the following new section :— New sec.  
86B.

86B. (1) An application for a lease of land under this Part— Lease of land subject to exploration license.

- (a) shall not be finally dealt with where—
- (i) application for an exploration license affecting that land was made before the marking out of the land the subject of the application for the lease;

(ii)

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*Mining (Amendment).*

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- (ii) the exploration license applied for has neither been granted nor refused; and
  - (iii) the lease has not been applied for by the applicant for the exploration license or by some person with his consent;
- (b) shall not be granted in respect of gold (whether alone or together with minerals) if an exploration license for the purpose of prospecting for gold (whether alone or together with minerals) affects the same land and the lease has not been applied for by the holder of that license or by some person with his consent;
- (c) shall not be granted in respect of a mineral (whether alone or together with other minerals) if an exploration license for the purpose of prospecting for that mineral (whether alone or together with other minerals) affects the same land and the lease has not been applied for by the holder of that license or by some person with his consent.

(2) Where application has been made under this Part for a lease of land affected by an exploration license, the Minister shall, unless the granting of the lease is prohibited by paragraph (b) or (c) of subsection one of this section, cause notice of the application to be served on the holder of the exploration license.

(3) The holder of an exploration license on whom a notice has been served under subsection two of this section may object to the granting of a lease pursuant to the application to which the notice relates by serving, in the prescribed manner and within

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*Mining (Amendment).*

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within the prescribed period after service of the notice, an instrument in writing specifying the grounds of his objection.

(4) Where the holder of an exploration license objects, pursuant to subsection three of this section, to the grant of a lease, the Minister—

- (a) shall refer the application for the lease, and the objection, to the Chief Inspector of Mines appointed under the Mines Inspection Act, 1901, or the Chief Inspector of Coal Mines appointed under the Coal Mines Regulation Act, 1912, for investigation and report; and
- (b) shall, after considering that report and such other information as he considers relevant, recommend to the Governor that the application for the lease—
  - (i) be granted subject to the covenants, conditions, reservations and exemptions specified in the recommendation; or
  - (ii) be refused.

(5) A notice referred to in subsection two of this section may be served—

- (a) by delivering it to the person to whom it is directed; or
- (b) by sending it by certified mail to the person on whom it is to be served, addressed to him at his last known place of abode or business or, where that person is a company, to the registered office of the company,

and, where the notice is served in accordance with paragraph (b) of this subsection, it shall be deemed to have been served at the time it would have been delivered to the addressee in the ordinary course of post.

(6)

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*Mining (Amendment).*

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(6) A lease pursuant to an application in respect of which the Minister is required, pursuant to subsection four of this section, to make a recommendation shall only be granted in accordance with that recommendation.

Further amendment of Act No. 49, 1906.

**5. The Principal Act is further amended—**

Sec. 83B.  
(Exploration licenses.)

- (a) by inserting next after subsection thirteen of section 83B the following new subsection :—

(13A) Where an application is made for the renewal or further renewal of an exploration license and the renewal or further renewal is not granted or refused before the day on which the exploration license or renewal would, but for this subsection, expire—

- (a) the period of the exploration license shall be deemed to have been extended until the application is granted or refused;
- (b) the Minister may grant or refuse the application after the day on which the exploration license would, but for this subsection, expire; and
- (c) the provisions of this Act applicable to exploration licenses and the holders thereof shall apply to and in respect of an exploration license and the holder thereof during any period for which it is deemed by paragraph (a) of this subsection to be extended.

(b)

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*Mining (Amendment).*

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- (b) by omitting subsection seven of section 83BA;      Sec. 83BA.  
(Lands held under two or more exploration licenses.)
- (c) by inserting in subsection one of section 83D after the word "Act" the words ", unless the lands are so exempted only by reason of their being subject to an exploration license".      Sec. 83D.  
(Restriction on rights of holders of licenses over certain lands.)

6. The Principal Act is further amended—

Further amendment of Act No. 49, 1906.

- (a) by inserting in paragraph (b) of subsection (1B) of section forty-seven after the word "holder" the word "of";      Sec. 47.  
(Not to extend to within certain distance of garden or improved land without consent.)
- (b) by omitting paragraph (ai) of subsection two of section fifty and by inserting in lieu thereof the following paragraphs :—      Sec. 50.  
(Discretion to refuse.)
- (ai) if the land to which the application relates is the subject of a prior application for a lease under this Part;
- (aii) if the land to which the application relates is land in respect of which an authority to enter is in force;

(c)

*Mining (Amendment).*

New sec.  
108F.

- (c) by inserting next after section 108E the following new section :—

Minister  
and certain  
other  
persons  
indemnified  
in certain  
circum-  
stances.

108F. Where the Minister has granted consent to an applicant for a lease under this Act or to his nominee to occupy for mining purposes the land applied for and to mine upon and in such land, or to occupy and construct and use works upon and in such land, the applicant or nominee holds the Crown, the Minister and every officer and employee employed in connection with the administration of this Act indemnified against all claims against the Crown, the Minister or any such officer or employee arising out of anything done or omitted to be done pursuant to, or as a consequence of, the giving by the Minister of such consent, or done or omitted to be done by the applicant or nominee or any of his agents or employees on or in respect of lands or any part thereof the subject of that consent.

Further  
amendment  
of Act No.  
49, 1906.

7. The Principal Act is further amended—

Sec. 17.  
(Authority  
to prospect  
on Crown  
land.)

- (a) by omitting from subsection one of section seventeen the words “any mineral” and by inserting in lieu thereof the words “for specified minerals, or for gold and specified minerals,”;

Sec. 50.  
(Warden  
may grant  
authority.)

- (b) (i) by omitting from subsection one of section fifty the words “any mineral” and by inserting in lieu thereof the words “for specified minerals”;
- (ii) by inserting in the same subsection after the word “Crown” the words “, or for gold and any specified minerals so reserved”;

Sec. 53.  
(Extent of  
area and  
nature of  
deposit.)

- (c) by inserting in subsection one of section fifty-three after the word “granted” the words “and shall state whether it is granted in respect of gold or in respect of specified minerals or in respect of gold and specified minerals”;
- (d)



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*Mining (Amendment).*


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- (d) by omitting from subsection one of section 70A the words "any minerals" and by inserting in lieu thereof the words "any specified minerals"; Sec. 70A.  
(Grant of authority to enter.)
- (e) by omitting from subsection one of section 83B the words "any mineral" and by inserting in lieu thereof the words "specified minerals, or gold and specified minerals"; Sec. 83B.  
(Exploration licenses.)
- (f) (i) by omitting from subsection two of section 83BA the words "served on the Minister and"; Sec. 83BA.  
(Lands held under two or more exploration licenses.)
- (ii) by inserting in the same subsection after the word "objection" the words "and served in the prescribed manner";
- (g) by omitting section 83L; Sec. 83L.  
(Measure of compensation.)
- (h) (i) by inserting in subsection one of section one hundred and fifty-five after the word "right," wherever occurring the word "exploration"; Sec. 155.  
(How compensation assessed.)
- (ii) by inserting in subsection two of the same section after the word "right," the word "exploration";
- (iii) by inserting in subsection four of the same section after the word "lease," where firstly occurring the word "exploration";
- (i) (i) by inserting in section 157A after the word "right," the word "exploration"; Sec. 157A.  
(Compensation.)
- (ii) by inserting in the same section after the word "claim," the word "exploration".

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 BY AUTHORITY:

ASTEN LENOX TILDEN FOUNDATION

(b) by entering from the bottom of the page the word "right" and the word "right" in the margin of the page.

(c) by entering from the bottom of the page the word "right" and the word "right" in the margin of the page.

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(m) by entering from the bottom of the page the word "right" and the word "right" in the margin of the page.

(n) by entering from the bottom of the page the word "right" and the word "right" in the margin of the page.

(o) by entering from the bottom of the page the word "right" and the word "right" in the margin of the page.

*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.*

I. P. K. VIDLER,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 12 November, 1970.*

## New South Wales



ANNO UNDEVICESIMO

**ELIZABETHÆ II REGINÆ**

\*\*\*\*\*

**Act No. 65, 1970.**

An Act to abolish licenses to prospect; to enable an authority to prospect, an authority to enter or a lease to be granted in respect of land affected by an exploration license relating to a mineral differing from that to which the authority or lease relates; for these and other purposes to amend the Mining Act, 1906; and for purposes connected therewith. [Assented to, 19th November, 1970.]

BE

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

L. A. PUNCH,  
*Chairman of Committees of the Legislative Assembly.*

*Mining (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 com-  
mencement.

1. (1) This Act may be cited as the "Mining (Amendment) Act, 1970".

(2) This section shall commence on the day on which this Act receives the Royal assent.

(3) Subject to subsection two of this section, this Act shall commence in accordance with subsection four of this section.

(4) The Governor may appoint and notify by proclamation published in the Gazette the day on which a provision of this Act shall commence and may, at different times, appoint different days for different provisions and the provision to which such a proclamation relates shall commence as specified therein.

(5) The Mining Act, 1906, is in this Act referred to as the Principal Act.

Amendment  
of Act No.  
49, 1906.

2. (1) The Principal Act is amended—

Sec. 3.  
(Interpre-  
tation.)

(a) (i) by omitting from subsection one of section three the definition of "License";

(ii) by omitting from the same subsection the definition of "Licensee";

Sec. 49A.  
(Application  
for license.)

(b) by omitting section 49A and the short heading thereto;

(c)

*Mining (Amendment).*

- (c) by omitting section fifty-six and by inserting in lieu thereof the following section :— Subst. sec. 56.
56. The holder of an authority to enter who, after cancellation of the authority, continues in occupation of the land defined in the authority, or any part thereof, shall be deemed to be a trespasser. Holder continuing in occupation after cancellation of an authority to enter.
- (d) (i) by omitting from subsection one of section sixty-nine the words "license to prospect or"; Sec. 69. (Lease or agreement by owner to mine for minerals reserved to the Crown.)
- (ii) by omitting from the same subsection the word ", licensee,";
- (e) (i) by omitting from paragraph (a) of subsection one of section 83B the word ", license"; Sec. 83B. (Exploration licenses.)
- (ii) by omitting from subsection seventeen of the same section the words "authority, license" wherever occurring and by inserting in lieu thereof the word "authority";
- (f) (i) by omitting from paragraph (a) of subsection one of section 83C the word ", license"; Sec. 83C. (Disputes between holders of licenses and other persons carrying on authorised operations.)
- (ii) by omitting from subsection two of the same section the words "authority, license" and by inserting in lieu thereof the word "authority";
- (g) by omitting from paragraph (a) of subsection one of section one hundred and thirty-three the words ", license to prospect,"; Sec. 133. (Subjects within jurisdiction of court.)
- (h) (i) by omitting from paragraph (ii) of section one hundred and eighty-four the words ", license to prospect"; Sec. 184. (Purposes for which regulations may be made.)
- (ii) by omitting from paragraph (xviii) of the same section the word ", licenses".

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*Mining (Amendment).*


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(2) A license to prospect in force immediately before the commencement of this section shall, notwithstanding the amendments made by subsection one of this section, continue in force as if that subsection had not been enacted.

Further  
amendment  
of Act No.  
49, 1906.

Sec. 3.  
(Interpre-  
tation.)

**3. The Principal Act is further amended—**

- (a) by omitting from the definition of "Mine" in subsection one of section three the words "or reef," and by inserting in lieu thereof the words "reef or salt-pan (whether or not the salt-pan is natural or has been artificially created)";
- (b) by inserting in the definition of "To mine" in the same subsection after the word "earth" the words "or water".

Further  
amendment  
of Act No.  
49, 1906.

Sec. 17.  
(Authority  
to prospect  
on Crown  
lands.)

**4. The Principal Act is further amended—**

- (a) (i) by inserting in subsection one of section seventeen after the word "subject" the words "to this section and";
- (ii) by omitting from the same subsection the words "or an exploration license granted under Part IVA of this Act (not being an exploration license held by the applicant)";
- (iii) by omitting from the same subsection the words "or license";

(iv)

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*Mining (Amendment).*

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(iv) by inserting next after the same subsection the following new subsection :—

(1A) An application for an authority to prospect on any land—

(a) shall not be finally dealt with where—

(i) application for an exploration license affecting that land was made before application was made for the authority to prospect;

(ii) the exploration license so applied for has neither been granted nor refused; and

(iii) the authority to prospect has not been applied for by the applicant for the exploration license or by some person with his consent;

(b) shall not be granted in respect of gold (whether alone or together with minerals) if an exploration license for the purpose of prospecting for gold (whether alone or together with minerals) affects the same land and the authority to prospect has not been applied for by the holder of that license or by some person with his consent; and

(c) shall not be granted in respect of a mineral (whether alone or together with other minerals) if an exploration license for the purpose of prospecting for that mineral (whether alone or together with other minerals) affects the same land and the authority to prospect has not been applied for by the holder of that license or by some person with his consent.

(v)

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*Mining (Amendment).*

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- (v) by omitting from subsection two of the same section the words "The application" and by inserting in lieu thereof the words "An application for an authority to prospect";
- (vi) by inserting next after subsection (2A) of the same section the following new subsections :—

(2B) Where application is made for an authority to prospect on land affected by an exploration license and the holder of the license, or some person with his consent, is not the applicant, the Minister shall, unless granting of the authority to prospect is prohibited by paragraph (b) or (c) of subsection (1A) of this section, cause notice of the application to be served on the holder of the exploration license.

(2C) The holder of an exploration license on whom a notice has been served under subsection (2B) of this section may object to the granting of an authority to prospect pursuant to the application to which the notice relates by serving, in the prescribed manner and within the prescribed period after service of the notice, an instrument in writing specifying the grounds of his objection.

(2D) Where the holder of an exploration license objects, pursuant to subsection (2C) of this section, to the grant of an authority to prospect, the Minister—

- (a) shall refer the application for the authority, and the objection, to the Chief Inspector of Mines appointed under the Mines Inspection Act, 1901, or the Chief Inspector of Coal Mines appointed under the Coal Mines Regulation Act, 1912, for investigation and report; and

(b)



*Mining (Amendment).*

(b) shall, after considering that report and such other information as he considers relevant—

- (i) grant or refuse the application; or
- (ii) grant the application subject to such conditions, provisions and stipulations as he thinks fit.

(2E) A notice referred to in subsection (2B) of this section may be served—

- (a) by delivering it to the person to whom it is directed; or
- (b) by sending it by certified mail to the person on whom it is to be served, addressed to him at his last known place of abode or business or, where that person is a company, to the registered office of the company,

and, where the notice is served in accordance with paragraph (b) of this subsection, it shall be deemed to have been served at the time it would have been delivered to the addressee in the ordinary course of post.

(vii) by omitting from subsection six of the same section the words “such application” and by inserting in lieu thereof the words “application for an authority to prospect”;

(b) (i) by omitting from paragraph (bi) of subsection two of section twenty-three the words “or an exploration license” wherever occurring; Sec. 23. (Governor may grant leases.)

(ii) by omitting from the same paragraph the words “or exploration license” wherever occurring;

(iii) by omitting from the same paragraph the words “or license” wherever occurring;

(iv)

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*Mining (Amendment).*

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(iv) by inserting at the end of the same subsection the following new paragraph :—

(f) A lease pursuant to an application in respect of which the Minister is required, pursuant to subsection seven of section twenty-seven of this Act to make a recommendation shall only be granted in accordance with that recommendation.

(v) by inserting next after subsection (2B) of the same section the following new subsection :—

(2C) An application for a lease of land under this Part—

(a) shall not be finally dealt with where—

(i) application for an exploration license affecting that land was made before the marking out of the land the subject of the application for the lease ;

(ii) the exploration license so applied for has neither been granted nor refused ; and

(iii) the lease has not been applied for by the applicant for the exploration license or by some person with his consent ;

(b) shall not be granted in respect of gold (whether alone or together with minerals) if an exploration license for  
the

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*Mining (Amendment).*

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the purpose of prospecting for gold (whether alone or together with minerals) affects the same land and the lease has not been applied for by the holder of that license or by some person with his consent; and

- (c) shall not be granted in respect of a mineral (whether alone or together with other minerals) if an exploration license for the purpose of prospecting for that mineral (whether alone or together with other minerals) affects the same land and the lease has not been applied for by the holder of that license or by some person with his consent.

- (c) by inserting next after subsection four of section twenty-seven the following new subsections :—

Sec. 27.  
(Irregular  
application  
may be  
granted.)

(5) Where application is made under this Part for a lease of land affected by an exploration license and the holder of the license, or some person with his consent, is not the applicant, the Minister shall, unless granting of the lease is prohibited by paragraph (b) or (c) of subsection (2c) of section twenty-three of this Act, cause notice of the application to be served on the holder of the exploration license.

(6) The holder of an exploration license on whom a notice has been served under subsection five of this section may object to the granting of a lease pursuant to the application to which the notice relates by serving, in the prescribed manner and within the prescribed period after service of the notice, an instrument in writing specifying the grounds of his objection.

(7)

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*Mining (Amendment).*

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(7) Where the holder of an exploration license objects, pursuant to subsection six of this section, to the grant of a lease, the Minister—

(a) shall refer the application for the lease, and the objection, to the Chief Inspector of Mines appointed under the Mines Inspection Act, 1901, or the Chief Inspector of Coal Mines appointed under the Coal Mines Regulation Act, 1912, for investigation and report; and

(b) shall, after considering that report and such other information as he considers relevant, recommend to the Governor that the application for the lease—

(i) be granted subject to the covenants, conditions, reservations and exemptions specified in the recommendation; or

(ii) be refused.

(8) A notice referred to in subsection five of this section may be served—

(a) by delivering it to the person to whom it is directed; or

(b) by sending it by certified mail to the person on whom it is to be served, addressed to him at his last known place of abode or business or, where that person is a company, to the registered office of the company,

and, where the notice is served in accordance with paragraph (b) of this subsection, it shall be deemed to have been served at the time it would have been delivered to the addressee in the ordinary course of post.

(d)

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*Mining (Amendment).*

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(d) (i) by omitting from subsection three of section **Sec. 46.**  
forty-six the words "or to carry on operations **(Exempted**  
under an exploration license"; **land.)**

(ii) by omitting from the same subsection the  
words ", or in respect of land the subject of an  
application for an exploration license made  
before the time of the making of the applica-  
tion for the authority to enter";

(iii) by inserting next after the same subsection the  
following new subsections :—

(4) An application for an authority to  
enter in and upon any land under this Part—

(a) shall not be finally dealt with where—

(i) application for an exploration  
license affecting that land was  
made before application was  
made for the authority to  
enter;

(ii) the exploration license so  
applied for has neither been  
granted nor refused; and

(iii) the authority to enter has not  
been applied for by the appli-  
cant for the exploration license  
or by some person with his  
consent;

(b) shall not be granted in respect of gold  
(whether alone or together with  
minerals) if an exploration license for  
the purpose of prospecting for gold  
affects the same land and the authority  
to enter has not been applied for by  
the holder of that license or by some  
person with his consent; and

(c)

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*Mining (Amendment).*

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(c) shall not be granted in respect of a mineral (whether alone or together with other minerals) if an exploration license for the purpose of prospecting for that mineral (whether alone or together with other minerals) affects the same land and the authority to enter has not been applied for by the holder of that license or by some person with his consent.

(5) Where application is made for an authority to enter in and upon land under this Part and that land is affected by an exploration license and the holder of the license, or some person with his consent, is not the applicant, the Minister shall, unless granting of the authority to enter is prohibited by paragraph (b) or (c) of subsection four of this section, cause notice of the application to be served on the holder of the exploration license.

(6) The holder of an exploration license on whom a notice has been served under subsection five of this section may object to the granting of an authority to enter pursuant to the application to which the notice relates by serving, in the prescribed manner and within the prescribed period after service of the notice, an instrument in writing specifying the grounds of his objection.

(7) Where the holder of an exploration license objects, pursuant to subsection six of this section, to the grant of an authority to enter, the Minister—

(a) shall refer the application for the authority, and the objection, to the Chief Inspector of Mines appointed under the Mines Inspection Act, 1901, or the Chief Inspector of Coal Mines appointed

*Mining (Amendment).*

appointed under the Coal Mines Regulation Act, 1912, for investigation and report; and

- (b) shall, after considering that report and such other information as he considers relevant—
- (i) dismiss the objection;
  - (ii) direct the warden not to grant the application unless he imposes conditions specified in the direction, whether or not he imposes other conditions; or
  - (iii) direct the warden to refuse the application.

(8) The warden shall comply with a direction given to him by the Minister under subsection seven of this section.

(9) A notice referred to in subsection five of this section may be served—

- (a) by delivering it to the person to whom it is directed; or
- (b) by sending it by certified mail to the person on whom it is to be served, addressed to him at his last known place of abode or business or, where that person is a company, to the registered office of the company,

and, where the notice is served in accordance with paragraph (b) of this subsection, it shall be deemed to have been served at the time it would have been delivered to the addressee in the ordinary course of post.

- (e) by inserting in paragraph (a) of subsection two of section fifty after the word "three" the words "or four, or of subsections seven and eight,";
- (f) (Warden may grant authority.)

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*Mining (Amendment).*

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Sec. 58.  
(Power to  
refuse, &c.)

- (f) (i) by omitting from subsection five of section fifty-eight the words "or an exploration license" wherever occurring;
- (ii) by omitting from the same subsection the words "or exploration license" wherever occurring;
- (iii) by omitting from the same subsection the words "or license" wherever occurring;
- (iv) by inserting next after the same subsection the following new subsections :—

(6) An application for a lease of private land under this Part—

(a) shall not be finally dealt with where—

- (i) application for an exploration license affecting that land was made before the marking out of the land the subject of the application for the lease;
- (ii) the exploration license so applied for has neither been granted nor refused; and
- (iii) the lease has not been applied for by the applicant for the exploration license or by some person with his consent;

(b) shall not be granted in respect of gold (whether alone or together with minerals) if an exploration license for the purpose of prospecting for gold (whether alone or together with minerals) affects the same land and the lease has not been applied for by the holder of that license or by some person with his consent; and

(c)



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*Mining (Amendment).*

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(c) shall not be granted in respect of a mineral (whether alone or together with other minerals) if an exploration license for the purpose of prospecting for that mineral (whether alone or together with other minerals) affects the same land and the lease has not been applied for by the holder of that license or by some person with his consent.

(7) Where application is made under this Part for a lease of land affected by an exploration license and the holder of the license, or some person with his consent, is not the applicant, the Minister shall, unless granting of the lease is prohibited by paragraph (b) or (c) of subsection six of this section, cause notice of the application to be served on the holder of the exploration license.

(8) The holder of an exploration license on whom a notice has been served under subsection seven of this section may object to the granting of a lease pursuant to the application to which the notice relates by serving, in the prescribed manner and within the prescribed period after service of the notice, an instrument in writing specifying the grounds of his objection.

(9) Where the holder of an exploration license objects, pursuant to subsection eight of this section, to the grant of a lease, the Minister—

(a) shall refer the application for the lease, and the objection, to the Chief Inspector of Mines appointed under the Mines Inspection Act, 1901, or the Chief Inspector of Coal Mines appointed

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*Mining (Amendment).*

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appointed under the Coal Mines Regulation Act, 1912, for investigation and report; and

- (b) shall, after considering that report and such other information as he considers relevant, recommend to the Governor that the application for the lease—

(i) be granted subject to the covenants, conditions, reservations and exemptions specified in the recommendation; or

(ii) be refused.

(10) A notice referred to in subsection seven of this section may be served—

(a) by delivering it to the person to whom it is directed; or

(b) by sending it by certified mail to the person on whom it is to be served, addressed to him at his last known place of abode or business or, where that person is a company, to the registered office of the company,

and, where the notice is served in accordance with paragraph (b) of this subsection, it shall be deemed to have been served at the time it would have been delivered to the addressee in the ordinary course of post.

(11) A lease pursuant to an application in respect of which the Minister is required, pursuant to subsection nine of this section, to make a recommendation shall only be granted in accordance with that recommendation.

(g)

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*Mining (Amendment).*


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- (g) by inserting in subsection one of section 83BA after the word "license" where firstly occurring the words "or some person with his consent";

Sec. 83BA.  
(Lands held under two or more exploration licenses.)

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

New sec. 83BB.

83BB. The Minister shall cancel an exploration license to the extent to which it affects land in respect of which an authority to prospect, an authority to enter or a lease has been granted and is in force—

Authority to prospect, &c., over land subject to exploration license.

(a) in respect of gold, where the exploration license is in respect of gold; or

(b) in respect of a mineral, where the exploration license is in respect of that mineral.

- (i) by omitting from subsection one of section eighty-six the words "held by the applicant";

Sec. 86.  
(Governor may grant leases for purposes of mining by dredging, &c., and of what lands.)

- (j) by inserting next after section 86A the following new section :—

New sec. 86B.

86B. (1) An application for a lease of land under this Part—

Lease of land subject to exploration license.

(a) shall not be finally dealt with where—

- (i) application for an exploration license affecting that land was made before the marking out of the land the subject of the application for the lease;

(ii)

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*Mining (Amendment).*

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- (ii) the exploration license applied for has neither been granted nor refused; and
  - (iii) the lease has not been applied for by the applicant for the exploration license or by some person with his consent;
- (b) shall not be granted in respect of gold (whether alone or together with minerals) if an exploration license for the purpose of prospecting for gold (whether alone or together with minerals) affects the same land and the lease has not been applied for by the holder of that license or by some person with his consent;
- (c) shall not be granted in respect of a mineral (whether alone or together with other minerals) if an exploration license for the purpose of prospecting for that mineral (whether alone or together with other minerals) affects the same land and the lease has not been applied for by the holder of that license or by some person with his consent.

(2) Where application has been made under this Part for a lease of land affected by an exploration license, the Minister shall, unless the granting of the lease is prohibited by paragraph (b) or (c) of subsection one of this section, cause notice of the application to be served on the holder of the exploration license.

(3) The holder of an exploration license on whom a notice has been served under subsection two of this section may object to the granting of a lease pursuant to the application to which the notice relates by serving, in the prescribed manner and within

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*Mining (Amendment).*

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within the prescribed period after service of the notice, an instrument in writing specifying the grounds of his objection.

(4) Where the holder of an exploration license objects, pursuant to subsection three of this section, to the grant of a lease, the Minister—

(a) shall refer the application for the lease, and the objection, to the Chief Inspector of Mines appointed under the Mines Inspection Act, 1901, or the Chief Inspector of Coal Mines appointed under the Coal Mines Regulation Act, 1912, for investigation and report; and

(b) shall, after considering that report and such other information as he considers relevant, recommend to the Governor that the application for the lease—

(i) be granted subject to the covenants, conditions, reservations and exemptions specified in the recommendation; or

(ii) be refused.

(5) A notice referred to in subsection two of this section may be served—

(a) by delivering it to the person to whom it is directed; or

(b) by sending it by certified mail to the person on whom it is to be served, addressed to him at his last known place of abode or business or, where that person is a company, to the registered office of the company,

and, where the notice is served in accordance with paragraph (b) of this subsection, it shall be deemed to have been served at the time it would have been delivered to the addressee in the ordinary course of post.

(6)

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*Mining (Amendment).*


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(6) A lease pursuant to an application in respect of which the Minister is required, pursuant to subsection four of this section, to make a recommendation shall only be granted in accordance with that recommendation.

Further amendment of Act No. 49, 1906.

5. The Principal Act is further amended—

Sec. 83B.  
(Exploration licenses.)

- (a) by inserting next after subsection thirteen of section 83B the following new subsection :—

(13A) Where an application is made for the renewal or further renewal of an exploration license and the renewal or further renewal is not granted or refused before the day on which the exploration license or renewal would, but for this subsection, expire—

- (a) the period of the exploration license shall be deemed to have been extended until the application is granted or refused;
- (b) the Minister may grant or refuse the application after the day on which the exploration license would, but for this subsection, expire; and
- (c) the provisions of this Act applicable to exploration licenses and the holders thereof shall apply to and in respect of an exploration license and the holder thereof during any period for which it is deemed by paragraph (a) of this subsection to be extended.

(b)

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*Mining (Amendment).*

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- (b) by omitting subsection seven of section 83BA;      Sec. 83BA.  
(Lands held under two or more exploration licenses.)
- (c) by inserting in subsection one of section 83D after the word "Act" the words " , unless the lands are so exempted only by reason of their being subject to an exploration license".      Sec. 83D.  
(Restriction on rights of holders of licenses over certain lands.)

6. The Principal Act is further amended—

Further amendment of Act No. 49, 1906.

- (a) by inserting in paragraph (b) of subsection (1B) of section forty-seven after the word "holder" the word "of";      Sec. 47.  
(Not to extend to within certain distance of garden or improved land without consent.)
- (b) by omitting paragraph (ai) of subsection two of section fifty and by inserting in lieu thereof the following paragraphs :—      Sec. 50.  
(Discretion to refuse.)
- (ai) if the land to which the application relates is the subject of a prior application for a lease under this Part;
- (aii) if the land to which the application relates is land in respect of which an authority to enter is in force;

(c)

*Mining (Amendment).*

New sec.  
108F.

Minister  
and certain  
other  
persons  
indemnified  
in certain  
circum-  
stances.

- (c) by inserting next after section 108E the following new section :—

108F. Where the Minister has granted consent to an applicant for a lease under this Act or to his nominee to occupy for mining purposes the land applied for and to mine upon and in such land, or to occupy and construct and use works upon and in such land, the applicant or nominee holds the Crown, the Minister and every officer and employee employed in connection with the administration of this Act indemnified against all claims against the Crown, the Minister or any such officer or employee arising out of anything done or omitted to be done pursuant to, or as a consequence of, the giving by the Minister of such consent, or done or omitted to be done by the applicant or nominee or any of his agents or employees on or in respect of lands or any part thereof the subject of that consent.

Further  
amendment  
of Act No.  
49, 1906.

Sec. 17.  
(Authority  
to prospect  
on Crown  
land.)

Sec. 50.  
(Warden  
may grant  
authority.)

Sec. 53.  
(Extent of  
area and  
nature of  
deposit.)

7. The Principal Act is further amended—

- (a) by omitting from subsection one of section seventeen the words “any mineral” and by inserting in lieu thereof the words “for specified minerals, or for gold and specified minerals,”;
- (b) (i) by omitting from subsection one of section fifty the words “any mineral” and by inserting in lieu thereof the words “for specified minerals”;
- (ii) by inserting in the same subsection after the word “Crown” the words “, or for gold and any specified minerals so reserved”;
- (c) by inserting in subsection one of section fifty-three after the word “granted” the words “and shall state whether it is granted in respect of gold or in respect of specified minerals or in respect of gold and specified minerals”;
- (d)



*Mining (Amendment).*

- (d) by omitting from subsection one of section 70A the words "any minerals" and by inserting in lieu thereof the words "any specified minerals"; Sec. 70A. (Grant of authority to enter.)
- (e) by omitting from subsection one of section 83B the words "any mineral" and by inserting in lieu thereof the words "specified minerals, or gold and specified minerals"; Sec. 83B. (Exploration licenses.)
- (f) (i) by omitting from subsection two of section 83BA the words "served on the Minister and"; Sec. 83BA. (Lands held under two or more exploration licenses.)
- (ii) by inserting in the same subsection after the word "objection" the words "and served in the prescribed manner";
- (g) by omitting section 83L; Sec. 83L. (Measure of compensation.)
- (h) (i) by inserting in subsection one of section one hundred and fifty-five after the word "right," wherever occurring the word "exploration"; Sec. 155. (How compensation assessed.)
- (ii) by inserting in subsection two of the same section after the word "right," the word "exploration";
- (iii) by inserting in subsection four of the same section after the word "lease," where firstly occurring the word "exploration";
- (i) (i) by inserting in section 157A after the word "right," the word "exploration"; Sec. 157A. (Compensation.)
- (ii) by inserting in the same section after the word "claim," the word "exploration".

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

A. R. CUTLER,  
Governor.

Government House,  
Sydney, 19th November, 1970.

The first part of the document is a letter from the author to the editor, dated 1971. It discusses the author's interest in the subject and the reasons for writing the paper.

The second part of the document is a letter from the editor to the author, dated 1971. It discusses the editor's interest in the subject and the reasons for accepting the paper.

The third part of the document is a letter from the author to the editor, dated 1971. It discusses the author's response to the editor's comments and the changes made to the paper.

The fourth part of the document is a letter from the editor to the author, dated 1971. It discusses the editor's final decision on the paper and the reasons for it.

The fifth part of the document is a letter from the author to the editor, dated 1971. It discusses the author's final response to the editor's comments and the final version of the paper.

The sixth part of the document is a letter from the editor to the author, dated 1971. It discusses the editor's final decision on the paper and the reasons for it.

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