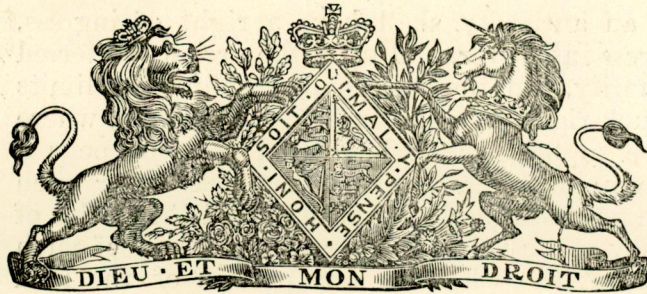


This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly Chamber,
Sydney, 8 May, 1895. }

F. W. WEBB,
Clerk of the Legislative Assembly.

New South Wales.



ANNO QUINQUAGESIMO OCTAVO

VICTORIÆ REGINÆ.

No. .

An Act to amend and extend the Mining on Private Lands Act of 1894, and to alter and amend sections 14, 63, 65, and 66 of the Mining Act, 1874, and for other purposes in connection therewith.

WHEREAS it is expedient to amend and extend the provisions of Preamble.
the Mining on Private Lands Act of 1894 and to alter the provisions of the Mining Act, 1874 as to the sums to be paid for miners' rights and mineral licenses respectively, and as to the periods
5 for which the same may be issued, and to empower the Governor to amend from time to time any regulations made under and in pursuance of the provisions of sections sixty-five and sixty-six of the last-named Act: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative
10 Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Mining on Private Lands Short title.
Act Amendment and Mining Act Amendment Act," and may be read and construed as forming part of the said Acts respectively.

15 2. Notwithstanding anything to the contrary contained in the Privileges under authority to search.
Mining on Private Lands Act—

(a) The area of land which may be occupied and used for prospecting purposes under an authority to search, shall in no case exceed the area of land prescribed in section twenty-six of the last-mentioned Act, having regard to the class of
20

Mining on Private Lands Act Amendment and Mining Act Amendment.

the deposit to be sought for, and shall not include any land exempt from leasing under section eleven of the said Act, and the boundaries of such area shall be defined by the warden.

- 5 (b) An authority to search may be granted by the warden for any period not exceeding twelve months, and the period named in any authority may from time to time be extended by the warden even beyond the twelve months, if it shall be made to appear to the warden that the period or extended period named
- 10 in the authority is insufficient to enable the holder to complete the prospecting of the land referred to in such authority.
- (c) The holder of an authority shall have a right of ingress, egress, and regress into, over, and upon the property referred to in such authority, and the warden may define the limits within which such rights shall be exercised, and shall, where
- 15 necessary, cause to be marked by blazed trees or pegs a right-of-way from any area or areas occupied under such authority to the nearest practicable road. And the holder of an authority may at any time during the currency of such
- 20 authority mark out the whole or any portion of the land occupied under such authority, and apply to lease the same.
- (d) Before the holder of an authority may commence mining operations upon such private land the warden shall hold an inquiry on the land, of which due notice shall be given to
- 25 the owner and occupier (if any) or their respective local agents, provided such agents are registered as such with the nearest mining registrar, as well as to the applicant, and shall thereupon assess the amount of money to be deposited by the holder of an authority towards covering the damage to the surface of such land likely to be caused by mining operations being conducted thereon; and the warden may make such stipulations and conditions with respect to such mining operations as shall appear to him necessary and expedient, and shall have power to enforce the same in all cases.
- 30
- (e) Any holder of an authority to search may construct any mine works or conduct any mining operations that may be necessary for thoroughly prospecting for any lead, lode, vein, or other auriferous or metalliferous deposit within the limits of the authority to search as defined by the warden, provided that before breaking the surface of such land he shall have deposited with the warden such a sum of money as shall in the opinion of the warden be sufficient to cover the cost of repairing any damage which may be done to the land by reason of the construction of such mine works or
- 35 the conducting of such mining operations.
- (f) If prospecting operations under an authority be suspended without the written permission of the warden, such authority may be cancelled by the warden if, in his opinion, the holder of the authority is not *bonâ fide* prospecting the land. If within one month after the cancellation of an authority any holder of a miner's right or mineral license apply for an authority to search on the piece of land referred to in such cancelled authority, and deposit the sum of money as afore-
- 40 said to cover the cost of repairing the damage, the warden may grant him an authority to search, and may refund to the person whose authority has been cancelled so much of the money deposited by him as is not in the opinion of the warden needed to repair damage done by abandoned works.
- 45
- 50
- 55

(g)

Mining on Private Lands Act Amendment and Mining Act Amendment.

- (g) The period of twenty-eight days prescribed by section nine, and the period of one month, as provided for in section thirteen of the Mining on Private Lands Act, shall not apply to any holder of an authority to search who has deposited as aforesaid a sum of money to cover the cost of repairing damage to the land, but such holder may at any time apply in terms of the said Act to lease the land referred to in his authority.
- (h) If during the progress of his prospecting operations the holder of the authority finds it necessary to construct works not contemplated when the warden fixed the sum to be deposited, he shall notify the warden that he intends to construct other works, and the warden shall thereupon assess the additional damage if any, and require the holder of the authority to make such further deposit as may in his opinion be necessary.
- (i) Any holder of an authority to search who has deposited the amount assessed to cover the cost of repairing the damage to the land may employ as many men as he requires to carry on the prospecting work, and shall employ as many men as shall, in the opinion of the warden, be necessary to carry on the prospecting works efficiently. But in no case shall there be less than one man employed in respect to every ten acres, or fractional part of ten acres, held under such authority.
- (j) Any holder of an authority who has made the deposit as aforesaid, and has made application to lease the land shall, in virtue of such authority, be at liberty to carry on mining operations upon the land until the lease shall have been granted or refused.
3. Upon the discovery therein of gold in such quantity as the Minister shall consider payable, the Governor may resume for mining purpose any private land wherein the gold has been discovered, or any part thereof. Every such resumption shall be notified in the *Gazette* and some newspaper published in the district, and shall take effect at such date as may be specified for that purpose in the notification; and copies of such notifications, together with the reasons for the resumption therein notified, shall be laid upon the tables of both Houses of Parliament forthwith if Parliament be sitting, and if not then within eight days after the commencement of the next session: Provided that the holder of such authority who shall have made the discovery shall be deemed to be the first applicant for a prospecting claim or for a gold-mining lease under the provisions of the Mining Act and the regulations thereunder. And the date of publication of such notification in the *Gazette* shall be reckoned as the date of application for such prospecting claim or lease.
4. When any private land shall be resumed as aforesaid, the Minister may direct the warden to assess the value of such land (exclusive of any increase in the value of such land by reason of the discovery of gold therein) and the improvements thereon, but the value so assessed of the land shall not exceed the market value of the land for other than mining purposes, reasonable allowance being made where necessary for severance; and if there be a tenant or rightful occupier of such land other than the owner, the compensation may be apportioned amongst them in proportion to their respective interests; and if the Minister, or owner, tenant, or other rightful occupier be not satisfied with the sum assessed by the warden, he may proceed in the nearest District Court, which shall be the Court of Appeal for the purposes of this Act, to recover any further sum to which he may deem himself entitled, but if the sum awarded by such Court do not

Power to resume
lands.

Compensation for
land resumed.

Mining on Private Lands Act Amendment and Mining Act Amendment.

not exceed the sum assessed by the warden, the owner, tenant, or other rightful occupier, as the case may be, shall pay the cost of such proceedings.

5 shall have power to grant to any holder of a miner's right a lease for gold-mining purposes, or to any holder of a mineral license a lease for the purpose of mining for silver, lead, tin, or antimony, of any private land which is enclosed and under cultivation within the meaning of section twelve of the Mining on Private Lands Act—

Power to grant leases of lands enclosed and under cultivation.

10 (a) Any such lease shall be effectual below the surface only, and the Governor may fix the depth below the surface at which mining operations may be carried on, and the holder of any such lease shall within the area demised be authorised to construct mine works under such land, and to remove therefrom gold and silver, lead, tin, or antimony as the case may be, but he shall be liable to pay compensation to the owner for any damage which may be done to the surface by reason of such mine works. The amount of such compensation shall be determined in the manner prescribed in sections sixteen, seventeen, and twenty of the Mining on Private Lands Act.

15 (b) The area of any such lease shall not exceed the extent prescribed in section twenty-six of the Mining on Private Lands Act for gold or minerals respectively.

20 6. The term "efficient mining" wherever it occurs in the Mining on Private Lands Act or the regulations thereunder shall mean—

Meaning of efficient mining.

25 (a) For gold-mining the regular employment of not less than one man to every five acres or less contained in the leasehold.

30 (b) For mining for minerals other than gold the employment of not less than one man to every twenty acres or less contained in the leasehold.

7. Notwithstanding anything to the contrary in section twenty-six of the Mining on Private Lands Act the rents to be reserved to the owner of the land in leases granted under said Act shall be assessed as prescribed in the said Act for the appraisalment of compensation for damage to land and improvements, and with the like right of appeal—

Rents reserved under leases.

35 (a) For gold-mining, not more than twenty shillings per acre per annum :

40 (b) For mining for minerals other than gold, not more than five shillings per acre per annum :

Provided that no rent shall be reserved to the owner in respect of any part of the land for which the applicant to lease shall have paid compensation.

45 8. Notwithstanding anything to the contrary contained in the Act thirty-seventh Victoria number thirteen, the sum to be paid for a miner's right or mineral license shall be five shillings for one year or two shillings and sixpence for six months ; and such miner's right or mineral license shall be and continue in force for one year or for six months, as the case may be, from the date of issue.

Alteration in price and currency of miners' rights and mineral licenses.

50 9. Notwithstanding anything to the contrary contained in the Act thirty-seventh Victoria number thirteen, it shall be lawful for the Governor to amend from time to time any regulation made in pursuance of the powers conferred by sections sixty-five and sixty-six of the said Act.

Power to amend regulations under the Mining Act, 1874.