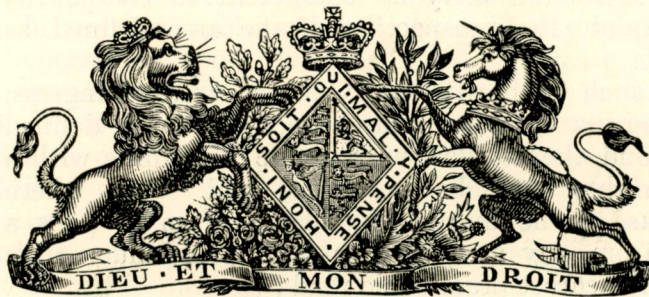


This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 29 October, 1895. }*

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

New South Wales.



ANNO QUINQUAGESIMO NONO

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 Laws Amendment Short title.
Act of 1895."

2. Notwithstanding anything to the contrary contained in the Privileges under
authority to enter.
15 Mining on Private Lands Act of 1894—

(a) the area of land which may be occupied and used for prospecting purposes under an authority to enter under section eight of the said Act, shall be such as shall appear to

Mining Laws Amendment.

- the warden suitable, having regard to the class of deposit to be worked, but shall in no case exceed the area of land prescribed in section twenty-six thereof having regard to the class of 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 enter 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 in the authority is insufficient to enable the holder to complete the prospecting of the area defined as aforesaid ;
- 10
- 15
- (c) the holder of such authority shall have a right of ingress, egress, and regress into, over, and upon the area defined as aforesaid, and the warden may define the limits within which such rights shall be exercised, and shall, where 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 ;
- 20
- (d) before the holder of such authority may commence mining operations upon the area defined as aforesaid the warden shall hold an inquiry, of which due notice shall be given to 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 holder of the authority, and shall thereupon assess the amount of money to be deposited by the holder of the authority towards covering the damage to the surface of such land likely to be caused by mining operations being conducted thereon ; and thereupon the holder of the authority upon depositing the amount so assessed as aforesaid, 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 area as defined by the warden : Provided that 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. In the event of assessment having been made as herein provided in respect of any land and improvements, no further assessment in respect of such land and improvements shall be necessary in terms of sections sixteen and seventeen of the Act fifty-seventh Victoria number thirty-two.
- 25
- 30
- 35
- 40
- 45
- (e) if prospecting operations under such authority be suspended without the written permission of the warden, such authority may be cancelled by the warden ;
- 50
- (f) any holder of an authority to enter who has deposited as aforesaid a sum of money to cover the damage to the land, may, at any time during the currency of such authority, apply in terms of the said Mining on Private Lands Act of 1894, to lease the area defined as aforesaid or any part thereof ;
- 55
- (g) if during the progress of his prospecting operations the holder of the authority finds it necessary to construct works not contemplated when the warden assessed the sum to be deposited as aforesaid, he shall notify the warden that he intends to construct other works, and the warden shall thereupon

Mining Laws Amendment.

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.

5 (h) any holder of an authority to enter who has deposited the amount assessed to cover 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 he employ less than one
10 man in respect of every five acres, or fractional part of five acres, held under such authority;

(i) a holder of such 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
15 granted or refused.

3. Upon the discovery, in land included within the provisions of the Mining on Private Lands Act of 1894, of gold in such quantity as the Minister shall consider payable, the Governor may resume for
20 mining purposes so much of such land as he may consider necessary. Every such resumption shall be notified in the *Gazette* and some newspaper published or circulating 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 resump-
25 tion 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 where the discovery has been made by the holder of an authority to enter, he shall be deemed to be the first applicant for a prospecting
30 claim or for a gold-mining lease under the provisions of the Mining Act, 1874, 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
35 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 shall not exceed the market value of the land for other than mining purposes, reasonable allowance being made
40 for any damage that may be caused by 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
45 rightful occupier be not satisfied with the sum assessed by the warden, he may proceed in the District Court, within the jurisdiction of which the land or any part thereof is situated, to recover any further sum to which he may deem himself entitled.

5. The Governor, in the name and on behalf of Her Majesty, shall have power to grant to any holder of a miner's right a lease for
50 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 of 1894, but—

(a) such lease shall not include the surface, and shall commence
55 at such depth below the surface as the Governor shall determine, and the holder of any such lease shall within the area demised have power to construct mine works under such land, and to remove therefrom gold, silver, lead, tin, or antimony, or any of them, as the case may be, but he shall
be

Mining Laws Amendment.

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 of 1894;

(b) the area of any such lease shall not exceed the extent prescribed in section twenty-six of the Mining on Private Lands Act of 1894 for gold or other minerals respectively.

6. The number of men to be employed on any lease, special or ordinary, granted under the Mining on Private Lands Act of 1894, except those referred to in sections thirty-seven and thirty-eight of the said Act, shall be—

Meaning of efficient mining.

(a) for gold-mining the regular employment of not less than one man to every two acres or less contained in the leasehold;

(b) for mining for minerals other than gold the employment of not less than one man to every ten acres or less contained in the leasehold: Provided always that the Governor may by regulation modify the number of men to be so employed.

7. Lands which have been or shall hereafter be conditionally leased shall not be deemed private lands within the meaning of the Mining on Private Lands Act of 1894 or this Act, unless and until the Governor shall by proclamation declare such lands to be such private lands as aforesaid, provided always that such proclamation shall take effect from the date mentioned therein.

Lands conditionally leased not to be private lands unless so declared by the Governor.

8. Notwithstanding anything to the contrary in section twenty-six of the Mining on Private Lands Act of 1894 the rents to be reserved to the owner of the land in leases granted under said Act shall be assessed by the warden, provided that the rent shall not exceed—

Rents reserved under leases.

(a) for gold-mining, twenty shillings per acre per annum;

(b) for mining for minerals other than gold, five shillings per acre per annum:

Provided also 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.

9. Notwithstanding anything to the contrary contained in the Mining Act, 1874, 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.

10. It shall be lawful for the Governor from time to time to amend or repeal any regulation made in pursuance of the powers conferred by sections sixty-five and sixty-six of the Mining Act, 1874.

Power to amend regulations under the Mining Act, 1874.

11. Notwithstanding anything to the contrary contained in the Mining on Private Lands Act of 1894, all land alienated or in process of alienation from the Crown, where the Crown grant contains, or if not yet issued would when issued contain, a reservation to the Crown of all minerals which the said land contains, shall subject to the provisions of the said Act and this Act be open to mining thereon or thereunder for all minerals within the meaning of the Mining Act of 1889, except coal and shale. And wherever the words "silver, lead, tin, and antimony," or the words, "minerals other than gold," occur in the said Act and in this Act they shall be taken to include all minerals as herein defined except gold, coal, and shale.

Reservation of minerals to the Crown.

12. If before payment of the compensation as aforesaid it shall be or shall have been found that the land resumed is or was not required for mining purposes, the Governor may (on payment of any loss to which the owner shall have been put), by proclamation, revoke the resumption thereof and re-vest such land in the previous owner as effectually as though it had not been resumed.

Resumption may be revoked and land re-vested in owner.

13.

Mining Laws Amendment.

13. Notwithstanding anything to the contrary in the Mining on Private Lands Act of 1894, upon the special recommendation of the Minister the Governor may grant a lease of any private land exceeding in extent the limits prescribed in the Mining on Private Lands Act of 5 1894, but the Minister shall not make such special recommendation in any case unless the prospecting board or the warden shall certify that by reason of the difficulties and cost attending the construction of mine works upon and of mining such land it is necessary that an area in excess of the limit prescribed as aforesaid be granted. Power to increase area of leases.

[6d.]

Sydney : Charles Potter, Government Printer.—1895.

12. Notwithstanding anything to the contrary in the Mining Act or in any other Act of the Legislature, the Minister of Lands and Forests may, in his discretion, grant a lease of any private land exceeding in extent the limits prescribed in the Mining Act of 1904, but the Minister shall not make such special arrangements in any case unless the proposed lease is for the purpose of the operation of the mines and not for any other purpose, and in cases of this kind the Minister shall be guided by the reasons of the Minister and not by the reasons of the Board of Mines and not by the reasons of the Board of Lands and Forests.

The Minister may also, in his discretion, grant a lease of any private land exceeding in extent the limits prescribed in the Mining Act of 1904, but the Minister shall not make such special arrangements in any case unless the proposed lease is for the purpose of the operation of the mines and not for any other purpose, and in cases of this kind the Minister shall be guided by the reasons of the Minister and not by the reasons of the Board of Mines and not by the reasons of the Board of Lands and Forests.

The Minister may also, in his discretion, grant a lease of any private land exceeding in extent the limits prescribed in the Mining Act of 1904, but the Minister shall not make such special arrangements in any case unless the proposed lease is for the purpose of the operation of the mines and not for any other purpose, and in cases of this kind the Minister shall be guided by the reasons of the Minister and not by the reasons of the Board of Mines and not by the reasons of the Board of Lands and Forests.

The Minister may also, in his discretion, grant a lease of any private land exceeding in extent the limits prescribed in the Mining Act of 1904, but the Minister shall not make such special arrangements in any case unless the proposed lease is for the purpose of the operation of the mines and not for any other purpose, and in cases of this kind the Minister shall be guided by the reasons of the Minister and not by the reasons of the Board of Mines and not by the reasons of the Board of Lands and Forests.

The Minister may also, in his discretion, grant a lease of any private land exceeding in extent the limits prescribed in the Mining Act of 1904, but the Minister shall not make such special arrangements in any case unless the proposed lease is for the purpose of the operation of the mines and not for any other purpose, and in cases of this kind the Minister shall be guided by the reasons of the Minister and not by the reasons of the Board of Mines and not by the reasons of the Board of Lands and Forests.

The Minister may also, in his discretion, grant a lease of any private land exceeding in extent the limits prescribed in the Mining Act of 1904, but the Minister shall not make such special arrangements in any case unless the proposed lease is for the purpose of the operation of the mines and not for any other purpose, and in cases of this kind the Minister shall be guided by the reasons of the Minister and not by the reasons of the Board of Mines and not by the reasons of the Board of Lands and Forests.

The Minister may also, in his discretion, grant a lease of any private land exceeding in extent the limits prescribed in the Mining Act of 1904, but the Minister shall not make such special arrangements in any case unless the proposed lease is for the purpose of the operation of the mines and not for any other purpose, and in cases of this kind the Minister shall be guided by the reasons of the Minister and not by the reasons of the Board of Mines and not by the reasons of the Board of Lands and Forests.