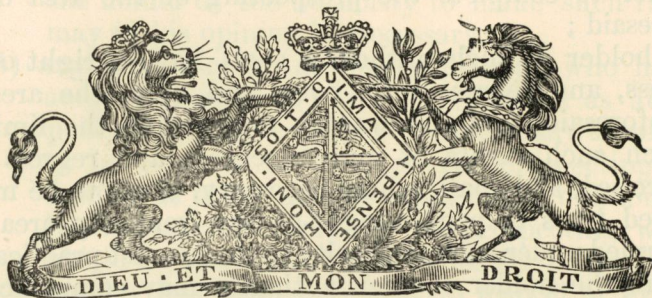


New South Wales.



ANNO SEXAGESIMO

VICTORIÆ REGINÆ.

No. XL.

An Act to amend and extend the Mining on Private Lands Act of 1894, and to amend the Mining Act, 1874; and the Mining Act of 1889; and for other purposes in connection therewith. [Assented to, 10th December, 1896.]

WHEREAS it is expedient to amend and extend the provisions of the Mining on Private Lands Act of 1894, and to amend the provisions of the Mining Act, 1874, and of the Mining Act of 1889: Be it therefore 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. This Act may be cited as the "Mining Laws Amendment Act of 1896." Preamble
Short title.

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

(a) under an authority to enter under section eight of the said Act, the area of land which may be entered upon may be such as shall appear to the warden suitable, having regard to the class of deposit to be sought for, but shall in no case exceed

Mining Laws Amendment.

- 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, nor any land occupied for mining purposes under the said Act or this Act, and the boundaries of such area shall be defined by the warden ;
- (b) an authority to enter may, subject to the payment to the owner quarterly in advance of rent at a rate per acre per annum to be fixed by the warden from the date of occupation by the holder of such authority, 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 on the same terms 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 ;
- (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 of ingress, egress, and regress 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 ;
- (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 with the warden by the holder of the authority towards covering the damage to the surface of such land and to any improvements thereon 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 and paying to the owner three months rent in advance at the rate 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 as provided by this Act 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 operations as shall appear to him necessary and expedient, and shall have power to enforce the same in all cases and deal with the deposit in the manner prescribed by regulations under this Act. 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 ;
- (e) if prospecting operations under such authority be not commenced within fourteen days from the date of the notification of the assessment or be suspended without the written permission of the warden, or if the rent of the land occupied thereunder be not paid within one month after it falls due, or if the holder of the authority has failed to observe any of the stipulations or conditions imposed by the warden, such authority may be

Mining Laws Amendment.

- be cancelled by the warden ; if such holder continue in occupation of the area after being notified in writing of the cancellation of the authority he shall be deemed a trespasser ;
- (f) any holder of an authority to enter who has deposited as aforesaid a sum of money to cover the damage as aforesaid, and paid all rents due thereon to date may, at any time during the currency of such authority, apply in terms of the said Mining on Private Lands Act of 1891, to lease the area defined as aforesaid or any part thereof ;
- (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 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 ;
- (h) any holder of an authority to enter who has deposited the amount assessed to cover the damage as aforesaid, and has paid all rents due thereon to date, 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, without the consent of the warden, employ less than one 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, while he pays rent as aforesaid, be at liberty to carry on mining operations upon the land until the lease shall have been granted or refused ;
- (j) notwithstanding anything to the contrary in the Mining on Private Lands Act of 1894 the holder of such authority shall have the right to erect a temporary residence upon the area defined as aforesaid, provided that he has paid rent as hereinbefore provided : Provided also that the area upon which the right to erect such residence shall extend shall not exceed a quarter of an acre.

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 with the consent of the owner, either at law or in equity, resume for 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 such land shall thereupon become Crown land within the meaning of the Mining Act, 1874, or any Act amending the same, and shall be reserved from sale or lease until such reservation be revoked by the Governor ; 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 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 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 possession by such holder for the purpose of making

Power to resume lands.

Mining Laws Amendment.

making an application for such prospecting claim or lease; Provided further that save in the case of the person making the discovery as aforesaid, all land resumed under this section shall be exempt from leasing, except such as may be deemed by the Minister specially suitable to be leased by reason of its great depth or wetness, or on account of the costly appliances required for its development: Provided further that such power of resumption shall not apply to any land occupied under any lease or agreement for mining purposes under the provisions of this or any other Act: Provided always that such consent as aforesaid shall be by deed, and should the property be under mortgage shall be given by both the owner and any mortgagee.

Compensation for land resumed.

4. When any private land shall be resumed as aforesaid, the Minister may direct the warden to assess the market 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, reasonable allowance being made for any damage that may be caused by severance; and if there be any person other than the owner having interest in such land, the compensation may be apportioned amongst them in the prescribed manner in proportion to their respective interests; and if the Minister, or owner, or other person interested in the land be not satisfied with the sum assessed, or the apportionment made by the warden, he may proceed either in the Supreme Court or in the District Court, within the jurisdiction of which the land or any part thereof is situated, to determine the amount to which such owner, or other person as aforesaid may be entitled.

Power to grant leases of lands enclosed and under cultivation.

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 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 at such depth below the surface as the Governor shall after full inquiry, deem to be sufficient to prevent damage to the surface, 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 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, silver, lead, tin, or antimony.

Meaning of efficient mining.

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—

- (a) for gold-mining the regular employment of not less than one man to every five 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.

Mining Laws Amendment.

7. Lands which have been or shall hereafter be conditionally leased under any Land Act shall be deemed private lands within the meaning of the Mining on Private Lands Act of 1894 or this Act, if 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 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 1894, but the Minister shall not make such special recommendation in any case unless the prospecting board and 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.

9. Notwithstanding anything to the contrary contained in the Mining on Private Lands Act of 1894, the owner or lessee of any private land in which the minerals have not been reserved to the Crown containing a deposit of any mineral other than coal, to which the said Act does not apply, may, without any authority to enter or any lease under the said Act or this Act, mine for, win, and remove such mineral, notwithstanding that there may be associated with such mineral any mineral (hereinafter called "associated mineral") to which the said Act does apply, where the value of any associated mineral does not exceed fifty per centum of the value of the mineral in this section first mentioned: Provided that the owner aforesaid may grant to any person, by lease or otherwise, the right to mine for, win, and remove such mineral and any associated mineral as aforesaid from his private land, and no prospecting license shall be granted in respect of any land upon which such mining operations have been commenced: Provided further that the foregoing provisions shall extend to protect from prospecting license or authority only the lode *bonâ fide* worked on such land by the owner or lessee, and land covering the same to the width of two hundred and twenty yards along the course of the said lode.

Owner or lessee may remove "associated minerals."

10. The Governor may exercise for the purposes of this Act the powers conferred on him by section forty-three of the Mining on Private Lands Act of 1894.

Governor may exercise powers conferred under sec. 43 of Act 57 Vic. No. 32.

11. The owner of any private land other than alluvial not applied for or occupied for mining purposes under the provisions of fifty-seventh Victoria number thirty-two or this Act shall be at liberty, with the concurrence of the Minister, to enter into any lease or agreement in writing with any holder of a miner's right or mineral license for such term or terms of years or lesser period or periods as may be agreed on between the parties, and may by such lease or agreement give such holder power to take possession of such land for mining purposes.

Owner of private land may enter into lease.

The area of such lease shall not exceed the extent prescribed in section twenty-six in the Mining on Private Lands Act of 1894, and such lease or agreement shall be subject to the performance by the lessee or the holder of a miner's right or mineral license so entering into such agreement with such owner as aforesaid of the labour conditions contained in this Act: Provided that every such agreement shall within fourteen days thereafter be registered with the mining registrar for the district in which such land is situated.

Area of lease.

THE MINING ACT

...which have been or shall be...
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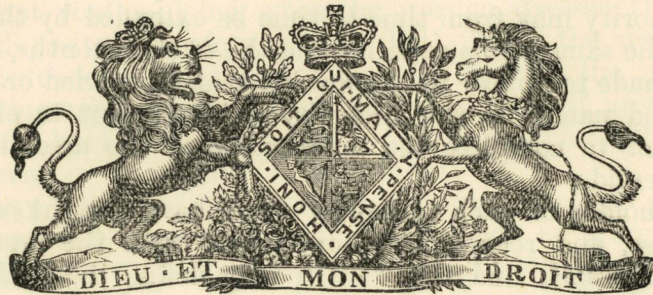
...the Mining Act of 1902...
...the Mining Act of 1902...

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.

*Legislative Assembly Chamber,
Sydney, 13 November, 1896, A.M. }*

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

New South Wales.



ANNO SEXAGESIMO

VICTORIÆ REGINÆ.

No. XL.

An Act to amend and extend the Mining on Private Lands Act of 1894, and to amend the Mining Act, 1874, and the Mining Act of 1889; and for other purposes in connection therewith. [Assented to, 10th December, 1896.]

WHEREAS it is expedient to amend and extend the provisions of Preamble.
the Mining on Private Lands Act of 1894, and to amend the provisions of the Mining Act, 1874, and of the Mining Act of 1889: Be it therefore 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. This Act may be cited as the "Mining Laws Amendment Short title.
Act of 1896."

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

(a) under an authority to enter under section eight of the said Act, the area of land which may be entered upon may be such as shall appear to the warden suitable, having regard to the class of deposit to be sought for, but shall in no case exceed

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

*WILLIAM McCOURT,
Chairman of Committees of the Legislative Assembly.*

Mining Laws Amendment.

- 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, nor any land occupied for mining purposes under the said Act or this Act, and the boundaries of such area shall be defined by the warden ;
- (b) an authority to enter may, subject to the payment to the owner quarterly in advance of rent at a rate per acre per annum to be fixed by the warden from the date of occupation by the holder of such authority, 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 on the same terms 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 ;
- (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 of ingress, egress, and regress 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 ;
- (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 with the warden by the holder of the authority towards covering the damage to the surface of such land and to any improvements thereon 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 and paying to the owner three months rent in advance at the rate 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 as provided by this Act 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 operations as shall appear to him necessary and expedient, and shall have power to enforce the same in all cases and deal with the deposit in the manner prescribed by regulations under this Act. 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 ;
- (e) if prospecting operations under such authority be not commenced within fourteen days from the date of the notification of the assessment or be suspended without the written permission of the warden, or if the rent of the land occupied thereunder be not paid within one month after it falls due, or if the holder of the authority has failed to observe any of the stipulations or conditions imposed by the warden, such authority may be

Mining Laws Amendment.

- be cancelled by the warden ; if such holder continue in occupation of the area after being notified in writing of the cancellation of the authority he shall be deemed a trespasser ;
- (f) any holder of an authority to enter who has deposited as aforesaid a sum of money to cover the damage as aforesaid, and paid all rents due thereon to date 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 ;
- (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 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 ;
- (h) any holder of an authority to enter who has deposited the amount assessed to cover the damage as aforesaid, and has paid all rents due thereon to date, 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, without the consent of the warden, employ less than one 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, while he pays rent as aforesaid, be at liberty to carry on mining operations upon the land until the lease shall have been granted or refused ;
- (j) notwithstanding anything to the contrary in the Mining on Private Lands Act of 1894 the holder of such authority shall have the right to erect a temporary residence upon the area defined as aforesaid, provided that he has paid rent as hereinbefore provided : Provided also that the area upon which the right to erect such residence shall extend shall not exceed a quarter of an acre.

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 with the consent of the owner, either at law or in equity, resume for 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 such land shall thereupon become Crown land within the meaning of the Mining Act, 1874, or any Act amending the same, and shall be reserved from sale or lease until such reservation be revoked by the Governor ; 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 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 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 possession by such holder for the purpose of making

Power to resume
lands.

Mining Laws Amendment.

making an application for such prospecting claim or lease; Provided further that save in the case of the person making the discovery as aforesaid, all land resumed under this section shall be exempt from leasing, except such as may be deemed by the Minister specially suitable to be leased by reason of its great depth or wetness, or on account of the costly appliances required for its development: Provided further that such power of resumption shall not apply to any land occupied under any lease or agreement for mining purposes under the provisions of this or any other Act: Provided always that such consent as aforesaid shall be by deed, and should the property be under mortgage shall be given by both the owner and any mortgagee.

Compensation for land resumed.

4. When any private land shall be resumed as aforesaid, the Minister may direct the warden to assess the market 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, reasonable allowance being made for any damage that may be caused by severance; and if there be any person other than the owner having interest in such land, the compensation may be apportioned amongst them in the prescribed manner in proportion to their respective interests; and if the Minister, or owner, or other person interested in the land be not satisfied with the sum assessed, or the apportionment made by the warden, he may proceed either in the Supreme Court or in the District Court, within the jurisdiction of which the land or any part thereof is situated, to determine the amount to which such owner, or other person as aforesaid may be entitled.

Power to grant leases of lands enclosed and under cultivation.

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 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 at such depth below the surface as the Governor shall after full inquiry, deem to be sufficient to prevent damage to the surface, 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 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, silver, lead, tin, or antimony.

Meaning of efficient mining.

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—

(a) for gold-mining the regular employment of not less than one man to every five 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.

Mining Laws Amendment.

7. Lands which have been or shall hereafter be conditionally leased under any Land Act shall be deemed private lands within the meaning of the Mining on Private Lands Act of 1894 or this Act, if 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 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 1894, but the Minister shall not make such special recommendation in any case unless the prospecting board and 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.

9. Notwithstanding anything to the contrary contained in the Mining on Private Lands Act of 1894, the owner or lessee of any private land in which the minerals have not been reserved to the Crown containing a deposit of any mineral other than coal, to which the said Act does not apply, may, without any authority to enter or any lease under the said Act or this Act, mine for, win, and remove such mineral, notwithstanding that there may be associated with such mineral any mineral (hereinafter called "associated mineral") to which the said Act does apply, where the value of any associated mineral does not exceed fifty per centum of the value of the mineral in this section first mentioned: Provided that the owner aforesaid may grant to any person, by lease or otherwise, the right to mine for, win, and remove such mineral and any associated mineral as aforesaid from his private land, and no prospecting license shall be granted in respect of any land upon which such mining operations have been commenced: Provided further that the foregoing provisions shall extend to protect from prospecting license or authority only the lode *bonâ fide* worked on such land by the owner or lessee, and land covering the same to the width of two hundred and twenty yards along the course of the said lode.

Owner or lessee may remove "associated minerals."

10. The Governor may exercise for the purposes of this Act the powers conferred on him by section forty-three of the Mining on Private Lands Act of 1894.

Governor may exercise powers conferred under sec. 43 of Act 57 Vic. No. 32.

11. The owner of any private land other than alluvial not applied for or occupied for mining purposes under the provisions of fifty-seventh Victoria number thirty-two or this Act shall be at liberty, with the concurrence of the Minister, to enter into any lease or agreement in writing with any holder of a miner's right or mineral license for such term or terms of years or lesser period or periods as may be agreed on between the parties, and may by such lease or agreement give such holder power to take possession of such land for mining purposes.

Owner of private land may enter into lease.

The area of such lease shall not exceed the extent prescribed in section twenty-six in the Mining on Private Lands Act of 1894, and such lease or agreement shall be subject to the performance by the lessee or the holder of a miner's right or mineral license so entering into such agreement with such owner as aforesaid of the labour conditions contained in this Act: Provided that every such agreement shall within fourteen days thereafter be registered with the mining registrar for the district in which such land is situated.

Area of lease.

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

Government House,
Sydney, 10th December, 1896.

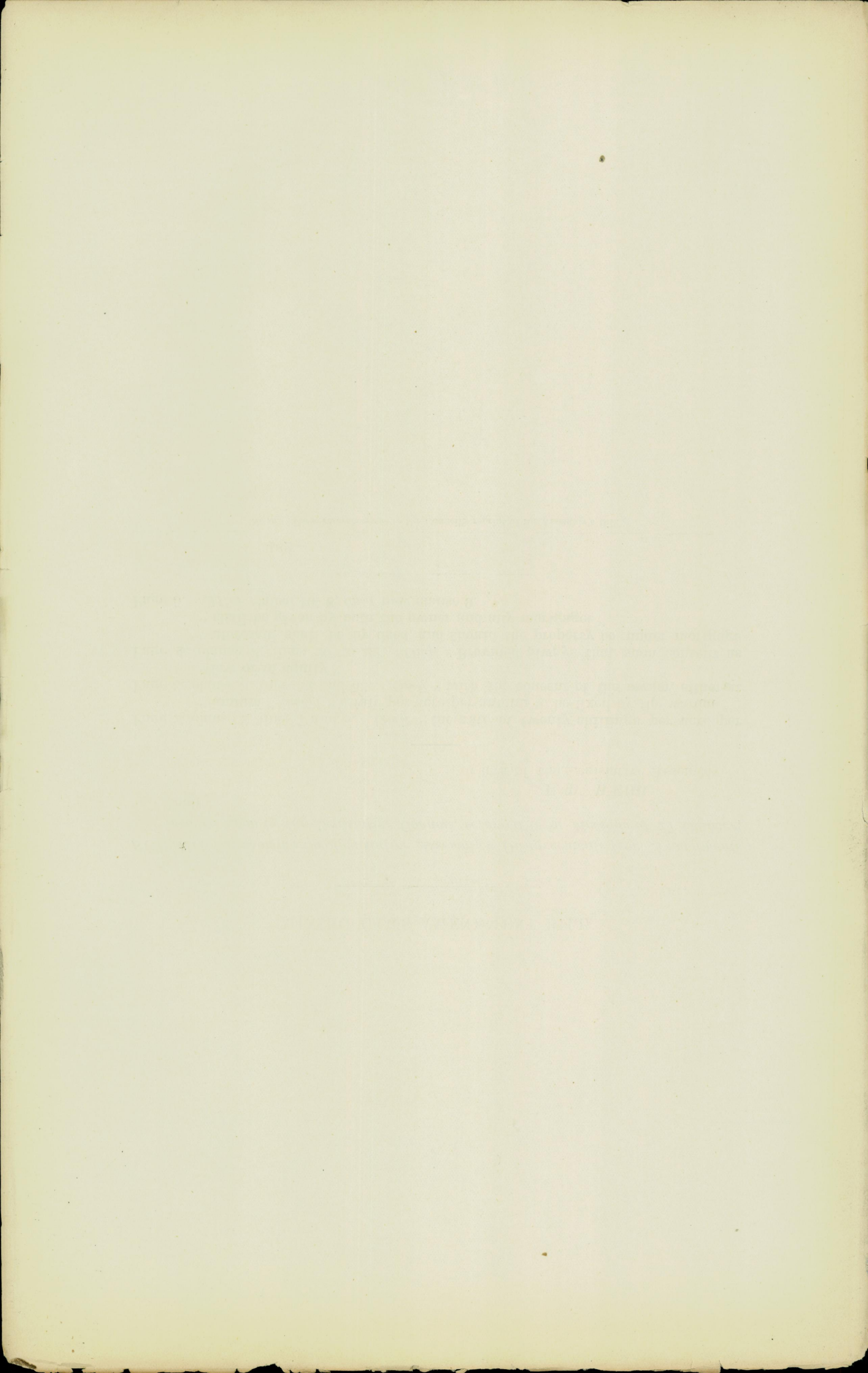
HAMPDEN,
Governor.

MINING LAWS AMENDMENT BILL.

SCHEDULE showing the Legislative Assembly's Disagreements from Amendments insisted upon by the Legislative Council, referred to in Message of 27 October, 1896.

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

- Page 2, clause 2, lines 7 and 8. *Omit* "the rate of twenty shillings per acre per annum" *insert* "a rate per acre per annum to be fixed by the warden"
- Page 3, clause 3, lines 52 and 53. *Omit* "with the consent of the owner, either at law or in equity"
- Page 4, clause 3, lines 20 to 22. *Omit* "Provided always that such consent as aforesaid shall be by deed, and should the property be under mortgage shall be given by both the owner and any mortgagee"
- Page 5. *After* clause ~~10~~ 8, *omit* new clause 9.
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MINING LAWS AMENDMENT BILL.

SCHEDULE showing the Legislative Assembly's Disagreements from and Amendments upon the Legislative Council's Amendments, referred to in Message of 1st October, 1896.

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

- Pages 1 clause 2, line 17. *Reinsert* " the " *omit* " an "
- Pages 1 and 2, clause 2, lines 17 and 1 and 2. *Reinsert* " land prescribed in section " twenty-six thereof having regard to the class of the deposit to be sought " for " *omit* " twenty acres "
- Page 2, clause 2, lines 7 and 8. *Omit* " the rate of twenty shillings per acre per " annum " *insert* " a rate per acre per annum to be fixed by the warden "
- Page 2, clause 2, lines 24 and 25. *Reinsert* " mining " *omit* " prospecting "
- Page 2, clause 2, lines 33 and 34. *Reinsert* " mining " *omit* " prospecting "
- Page 2, clause 2, line 37. *Reinsert* " mine "
- Page 2, clause 2, line 38. *Reinsert* " mining "
- Page 2, clause 2, lines 54 and 55. *Reinsert* " have power to enforce the same in all " cases "
- Page 2, clause 2, line 55. *Before* " deal " *insert* " and "
- Page 3, clause 2, line 5. *Omit* " thereof " *insert* " of the notification of the assess- " ment "
- Page 3, clause 2, line 6. *Reinsert* " without the written permission of the warden "
- Page 3, clause 2, line 43. *Reinsert* subsection (j), but amend it by *omitting* in line 46 the word " hereinafter " and *inserting* the word " hereinbefore "
- Page 3, clause 3, lines 52 and 53. *Omit* " with the consent of the owner, either at " law or in equity "
- Page 4, clause 3, lines 20 to 22. *Omit* " Provided always that such consent as " aforesaid shall be by deed, and should the property be under mortgage " shall be given by both the owner and any mortgagee "
- Page 5. *After* clause ~~10~~ 8, *omit* new clause 9.

MIXING LAW'S AMENDMENT BILL

SENATE REPORT OF THE LEGISLATIVE ASSEMBLY'S INVESTIGATIVE COMMITTEE ON THE
MIXING LAW'S AMENDMENT BILL, 1911

F. W. WEBB
Clerk of the Legislative Assembly

Chapter 1, clause 1, line 17. "Whereby" the word "and"
Chapter 1, clause 2, lines 17 and 18. "Whereby" and "and" inserted to explain
"whereby" inserted having regard to the class of the highest to be sought
for "and" twenty acres
Chapter 1, clause 3, lines 1 and 2. "And" the rate of twenty shillings per acre per
"annum" "and" a rate per acre per annum to be fixed by the board
Chapter 1, clause 4, lines 24 and 25. "Whereby" "and" "prospecting"
Chapter 1, clause 5, lines 33 and 34. "Whereby" "and" "prospecting"
Chapter 1, clause 6, line 37. "Whereby" "and"
Chapter 1, clause 7, line 38. "Whereby" "and"
Chapter 1, clause 8, lines 41 and 42. "Whereby" have power to enforce the same in all
"cases"
Chapter 1, clause 9, line 50. "Whereby" "and" "and"
Chapter 1, clause 10, line 5. "And" "whereby" "and" of the notification of the notice
"and"
Chapter 1, clause 11, line 6. "Whereby" without the written permission of the board
Chapter 1, clause 12, line 11. "Whereby" subsection (f) but amend it by inserting in the
to the word "determination" and whereby the word "determination"
Chapter 1, clause 13, lines 22 and 23. "And" with the consent of the owner, either at
"law or in equity"
Chapter 1, clause 14, lines 29 to 32. "And" "Provided always that such consent as
"otherwise shall be by deed and should the property be under mortgage
"shall be given by both the owner and any mortgagee"
Chapter 1, clause 15, line 34. "And" now clause 9

Published
18

25 Copies required
F. L. Clapin
L.C.O. 10 Nov 96.

MINING LAWS AMENDMENT BILL.

SCHEDULE of Amendments referred to in Message of 2nd September, 1896.

- Page 1, clause 2, lines 12 and 13. Omit "the area of land which may be occupied and used for prospecting purposes"
- Page 1, clause 2, line 14. Omit "shall" insert "the area of land which may be entered upon may"
- Page 1, clause 2, line 16. Omit "worked" insert "sought for"
- Page 1, clause 2, line 17. Omit "the" insert "an"
- Pages 1 and 2, clause 2, lines 17 to 2. Omit "land prescribed in section twenty-six thereof having regard to the class of the deposit to be sought for" insert "twenty acres"
- Page 2, clause 2, line 3. After "Act" insert "nor any land occupied for mining purposes under the said Act or this Act"
- Page 2, clause 2, line 6. After "may" insert "subject to the payment to the owner quarterly in advance of rent at the rate of twenty shillings per acre per annum from the date of occupation by the holder of such authority"
- Page 2, clause 2, line 11. After "warden" insert "on the same terms"
- Page 2, clause 2, line 20. After "rights" insert "of ingress, egress, and regress"
- Page 2, clause 2, line 24. Omit "mining" insert "prospecting"
- Page 2, clause 2, line 31. After "deposited" insert "with the warden"
- Page 2, clause 2, line 32. After "land" insert "and to any improvements thereon"
- Page 2, clause 2, line 33. Omit "mining" insert "prospecting"
- Page 2, clause 2, line 36. After "aforesaid" insert "and paying to the owner three months rent in advance at the rate aforesaid"
- Page 2, clause 2, line 37. Omit "mine"
- Page 2, clause 2, line 38. Omit "mining"
- Page 2, clause 2, line 40. After "deposit" insert "as provided by this Act"
- Page 2, clause 2, lines 42 to 51. Omit "Provided that if such mining operations shall be carried on for a greater period than six months the holder of such authority shall also pay to the owner of the land such sum by way of rent as shall be determined by the warden, and such rent shall be paid quarterly in advance during such period as the holder of the said authority shall occupy the said land or until he has been granted a lease under the Mining on Private Lands Act of 1894 or any amendment thereof: Provided that the amount of such rent shall not exceed that provided in clause eight hereof"
- Page 2, clause 2, line 51. Omit "also"
- Page 2, clause 2, line 53. Omit "mining"
- Page 2, clause 2, lines 54 and 55. Omit "have power to enforce the same in all cases" insert "deal with the deposit in the manner prescribed by regulations under this Act"
- Page 3, clause 2, line 4. After "authority" insert "be not commenced within fourteen days from the date thereof or"
- Page 3, clause 2, line 6. Omit "without the written permission of the warden" insert "or if the rent of the land occupied thereunder be not paid within one month after it falls due, or if the holder of the authority has failed to observe any of the stipulations or conditions imposed by the warden"
- Page 3, clause 2, line 11. After "warden" insert "If such holder continue in occupation of the area after being notified in writing of the cancellation of the authority he shall be deemed a trespasser"
- Page 3, clause 2, line 15. Omit "to the land" insert "as aforesaid, and paid all rents due thereon to date"
- Page 3, clause 2, line 29. Omit "to the land" insert "as aforesaid, and has paid all rents due thereon to date"
- Page 3, clause 2, line 34. After "he" insert "without the consent of the warden"
- Page 3, clause 2, line 40. After "authority" insert "while he pays rent as aforesaid"
- Page 3, clause 2, line 42. After "refused" omit remainder of clause
- Page 3, clause 3, line 52. After "may" insert "with the consent of the owner, either at law or in equity"
- Page 3, clause 3, line 54. Omit "and any adjoining or adjacent land"
- Page 3, clause 3, line 58. After "notification" insert "and such land shall thereupon become Crown land within the meaning of the Mining Act, 1874, or any Act amending the same, and shall be reserved from sale or lease until such reservation be revoked by the Governor"
- Page 4, clause 3, line 11. After "of" insert "possession by such holder for the purpose of making an"
- Page 4, clause 3. At end of clause add "Provided further that such power of resumption shall not apply to any land occupied under any lease or agreement for mining purposes under the provisions of this or any other Act: Provided always that such consent as aforesaid shall be by deed, and should the property be under mortgage shall be given by both the owner and any mortgagee"
- Page 4, clause 4, line 24. Omit "or some other competent person"
- Page 4, clause 4, line 25. Before "value" first occurring insert "market"

- Page 4, clause 4, lines 27 and 28. *Omit* "but the value so assessed shall not exceed the market value of
"the land for other than mining purposes"
- Page 4, clause 4, line 30. *Omit* "a tenant or rightful occupier of such land" *insert* "any person"
- Page 4, clause 4, line 31. *After* "owner" *insert* "having interest in such land"
- Page 4, clause 4, line 32. *After* "them" *insert* "in the prescribed manner"
- Page 4, clause 4, lines 33 and 34. *Omit* "tenant or other rightful occupier" *insert* "or other person
"interested in the land"
- Page 4, clause 4, line 35. *After* "assessed" *insert* "or the apportionment made"
- Page 4, clause 4, line 36. *After* "proceed" *insert* "either in the Supreme Court or"
- Page 4, clause 4, lines 38 and 39. *Omit* "tenant or other rightful occupier" *insert* "or other person as
"aforesaid"
- Page 4, clause 5, line 48. *Omit* "determine" *insert* "after full inquiry, deem to be sufficient to
"prevent damage to the surface"
- Page 5, clause 5, line 3. *After* "gold" *omit* remainder of clause *insert* "silver, lead, tin, or antimony"
- Page 5, clause 6, line 16. *Omit* "two" *insert* "five"
- Page 5, clause 7, line 22. *After* "leased" *insert* "under any Land Act"
- Page 5, clauses 8 and 9. *Omit* clauses 8 and 9
- Page 5. *After* clause ~~10~~ 8, *insert* new clauses 9, 10, 11.

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, 30 June, 1896. }*

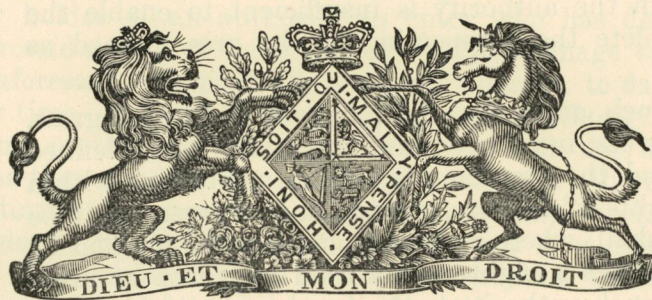
F. W. WEBB,
Clerk of the Legislative Assembly.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

*Legislative Council Chamber,
Sydney, 2nd September, 1896. }*

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO SEXAGESIMO

VICTORIÆ REGINÆ.

No. .

An Act to amend and extend the Mining on Private Lands Act of 1894, and to amend the Mining Act, 1874, and the Mining Act of 1889; 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 amend the provisions of the Mining Act, 1874, and of the Mining Act of 1889: Be it therefore enacted by the Queen's Most Excellent Majesty, by ⁵ 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. This Act may be cited as the "Mining Laws Amendment ^{Short title.} Act of 1896."

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

15 (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~~ **the area of land which may be entered upon may be such as shall appear to the warden suitable, having regard to the class of deposit to be worked, sought for, but shall in no case exceed the an area of land prescribed in section 39—A** ~~twenty six—~~

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

Mining Laws Amendment.

twenty six thereof having regard to the class of the deposit to be sought for **twenty acres**, and shall not include any land exempt from leasing under section eleven of the said Act, nor any land occupied for mining purposes under the said Act or this Act, and the boundaries of such area shall be defined by the warden;

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(b) an authority to enter may, subject to the payment to the owner quarterly in advance of rent at the rate of twenty shillings per acre per annum from the date of occupation by the holder of such authority, 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 on the same terms 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 ;

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(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 of ingress, egress, and regress 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 ;

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(d) before the holder of such authority may commence mining prospecting 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 with the warden by the holder of the authority towards covering the damage to the surface of such land and to any improvements thereon likely to be caused by mining prospecting operations being conducted thereon ; and thereupon the holder of the authority upon depositing the amount so assessed as aforesaid and paying to the owner three months rent in advance at the rate 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 as provided by this Act within the limits of the area as defined by the warden : Provided that if such mining operations shall be carried on for a greater period than six months the holder of such authority shall also pay to the owner of the land such sum by way of rent as shall be determined by the warden, and such rent shall be paid quarterly in advance during such period as the holder of the said authority shall occupy the said land, or until he has been granted a lease under the Mining on Private Lands Act of 1894 or any amendment thereof : Provided that the amount of such rent shall not exceed that provided in clause eight hereof : Provided also 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 deal with the deposit in the manner prescribed by regulations under this Act. 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

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Mining Laws Amendment.

land and improvements shall be necessary in terms of sections sixteen and seventeen of the Act fifty-seventh Victoria number thirty-two ;

5 (e) if prospecting operations under such authority be not commenced within fourteen days from the date thereof or be suspended, ~~without the written permission of the warden,~~ or if the rent of the land occupied thereunder be not paid within one month after it falls due, or if the holder of the authority has failed to observe any of the stipulations or conditions imposed by the warden, such authority may be cancelled by the warden ; if such holder continue in occupation of the area after being notified in writing of the cancellation of the authority he shall be deemed a trespasser ;

10 (f) any holder of an authority to enter who has deposited as aforesaid a sum of money to cover the damage ~~to the land,~~ as aforesaid, and paid all rents due thereon to date 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 ;

15 (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 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 ;

20 (h) any holder of an authority to enter who has deposited the amount assessed to cover the damage ~~to the land~~ as aforesaid, and has paid all rents due thereon to date, 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, ~~without the consent of the warden,~~ employ less than one man in respect of every five acres, or fractional part of five acres, held under such authority ;

25 (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, while he pays rent as aforesaid, be at liberty to carry on mining operations upon the land until the lease shall have been granted or refused ;

30 (j) notwithstanding anything to the contrary in the Mining on Private Lands Act of 1894 the holder of such authority shall have the right to erect a residence upon the area defined as aforesaid, provided that he has paid rent as ~~hereinafter~~ provided : Provided also that the area upon which the right to erect such residence shall extend shall not exceed a quarter of an acre.

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50 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 with the consent of the owner, either at law or in equity, resume for mining purposes so much of such land and ~~any adjoining or adjacent 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 such land shall thereupon become Crown land within the meaning of the Mining Act, 1874, or any Act amending the same,

Power to resume lands.

however before

Mining Laws Amendment.

same, and shall be reserved from sale or lease until such reservation be revoked by the Governor; 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 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 claim or for a gold-mining lease under the provisions of the Mining Act, 1874, and the regulations thereunder.

10 And the date of publication of such notification in the *Gazette* shall be reckoned as the date of possession by such holder for the purpose of making an application for such prospecting claim or lease: Provided further that save in the case of the person making the discovery as aforesaid, all land resumed under this section shall be exempt from

15 leasing, except such as may be deemed by the Minister specially suitable to be leased by reason of its great depth or wetness, or on account of the costly appliances required for its development: Provided further that such power of resumption shall not apply to any land occupied under any lease or agreement for mining purposes under the

20 provisions of this or any other Act: Provided always that such consent as aforesaid shall be by deed, and should the property be under mortgage shall be given by both the owner and any mortgagee.

4. When any private land shall be resumed as aforesaid, the Minister may direct the warden ~~or some other competent person~~ to assess the market 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 for any damage that may be caused by severance; and if there be a tenant or rightful occupier of such land any person other than the owner having interest in such land, the compensation may be apportioned amongst them in the prescribed manner in proportion to their respective interests; and if the Minister, or owner, tenant, or other rightful occupier or other person interested in the land be not

35 satisfied with the sum assessed, or the apportionment made by the warden, he may proceed either in the Supreme Court or in the District Court, within the jurisdiction of which the land or any part thereof is situated, to determine the amount to which such owner, tenant, or other rightful occupier or other person as aforesaid may be entitled.

40 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 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

45 section twelve of the Mining on Private Lands Act of 1894, but—

(a) such lease shall not include the surface, and shall commence at such depth below the surface as the Governor shall determine, after full inquiry, deem to be sufficient to prevent damage to the surface, and the holder of any such lease shall

50 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 liable to pay compensation to the owner for any damage which may be done to the surface by reason of such

55 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)

Mining Laws Amendment.

- (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~~; **silver, lead, tin, or antimony.**
- 5 (c) provided that land enclosed or cultivated after the date upon which notice, either of an authority to enter or of a prospecting license granted under the said Act, shall have been served in the prescribed manner upon the owner or occupier thereof, shall not be deemed to be land enclosed and under cultivation within the meaning of section twelve aforesaid.
- 10 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—
- 15 (a) for gold-mining the regular employment of not less than one man to every ~~two~~ five 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
- 20 by regulation modify the number of men to be so employed.
7. Lands which have been or shall hereafter be conditionally leased under any Land Act shall be deemed private lands within the meaning of the Mining on Private Lands Act of 1894 or this Act, if the Governor shall by proclamation declare such lands to be such
- 25 private lands as aforesaid, provided always that such proclamation shall take effect from the date mentioned therein.
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
- 30 by the warden, provided that the rent shall not exceed twenty 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 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
- 40 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.
- 45 10. 8. 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 1894, but the Minister shall not make such special recommendation
- 50 in any case unless the prospecting board and 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.
9. Notwithstanding anything to the contrary contained in the Mining on Private Lands Act of 1894, the owner of any private land containing a deposit of any mineral other than coal, to which the said Act does not apply, may, without any "authority to enter" or any lease under the said Act or this Act, mine for, win, and remove such mineral, notwithstanding that there may be associated with such
- 55 mineral

Meaning of efficient mining.

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

Rents reserved under leases.

Reservation of minerals to the Crown.

Power to increase area of leases.

Mining Laws Amendment.

mineral any mineral (hereinafter called "associated mineral") to which the said Act does apply, provided the value of any associated mineral does not exceed fifty per centum of the value of the mineral in this section first mentioned. And the owner aforesaid may grant to any person by lease or otherwise the right to mine for, win, and remove such mineral and any associated mineral as aforesaid from his private land, and no prospecting license shall be granted in respect of any land upon which such mining operations have been commenced.

10 The Governor may exercise for the purposes of this Act the powers conferred on him by section forty-three of the Mining on Private Lands Act of 1894.

11 The owner of any private land other than alluvial not applied for or occupied for mining purposes under the provisions of fifty-seventh Victoria number thirty-two or this Act shall be at liberty, with the concurrence of the Minister, to enter into any lease or agreement in writing with any holder of a miner's right or mineral license for such term or terms of years or lesser period or periods as may be agreed on between the parties, and may by such lease or agreement give such holder power to take possession of such land for mining purposes.

20 The area of such lease shall not exceed the extent prescribed in section twenty-six in the Mining on Private Lands Act of 1894, and such lease or agreement shall be subject to the performance by the lessee or the holder of a miner's right or mineral license so entering into such agreement with such owner as aforesaid of the labour conditions contained in this Act: Provided that every such agreement shall within fourteen days thereafter be registered with the mining registrar for the district in which such land is situated.

MINING LAWS AMENDMENT BILL.

(Suggested amendments.)

- Page 1, clause 2, subsection (a), line 12. *Omit* "the area of land
" which may be occupied and used for prospecting purposes"
- Page 1, clause 2, subsection (a), line 14. *After* "Act" *omit* "shall"
insert "the area of land which may be entered upon may"
- Page 1, clause 2, subsection (a), line 16. *Omit* "worked" *insert*
"sought for"
- Page 2, clause 2, subsection (a), line 1. *Omit* "to be sought for"
- Page 2, clause 2, subsection (a), line 3. *After* "Act" *insert* "nor
" any land occupied for mining purposes under the said Act
" or this Act"
- Page 2, clause 2, subsection (b), line 5. *After* "may" *insert* "subject
" to the payment to the owner quarterly in advance of rent
" at the rate of twenty shillings per acre per annum as
" hereinafter provided"
- Page 2, clause 2, subsection (b), line 8. *After* "warden" *insert* "on
" the same terms"
- Page 2, clause 2, subsection (c), line 15. *After* "rights" *insert* "of
" ingress, egress, and regress"
- Page 2, clause 2, subsection (d), line 19. *Omit* "mining" *insert*
"prospecting"
- Page 2, clause 2, subsection (d), line 26. *After* "deposited" *insert*
"with the warden"
- Page 2, clause 2, subsection (d), line 27. *After* "land" *insert* "and
" to any improvements thereon"
- Page 2, clause 2, subsection (d), line 28. *Omit* "mining" *insert*
"prospecting"
- Page 2, clause 2, subsection (d), line 30. *After* "aforesaid" *insert*
"together with three months rent in advance at the rate
" aforesaid"
- Page 2, clause 2, subsection (d), line 34. *Omit* "Provided that if
" such mining operations shall be carried on for a greater
" period than six months the holder of such authority shall
" also pay to the owner of the land such sum by way of rent
" as shall be determined by the warden, and such rent shall
" be paid quarterly in advance during such period as the
" holder of the said authority shall occupy the said land or
" until he has been granted a lease under the Mining on
" Private Lands Act of 1894 or any amendment thereof:
" Provided that the amount of such rent shall not exceed
" that provided in clause eight hereof"
- Page 2, clause 2, subsection (d), line 47. *Omit* "have power to
" enforce the same in all cases" *insert* "and shall deal with
" the deposit in the prescribed manner"

- Page 2, clause 2, subsection (e), line 54. *Omit* "without the written permission of the warden" *insert* "or if the rent of the land occupied thereunder be not paid within one month after it falls due, or if the holder of the authority has failed to observe any of the stipulations or conditions imposed by the warden"
- Page 2, clause 2, subsection (e), line 55. At end of subsection (e) *add* "If such holder continue in occupation of the area after being notified in writing of the cancellation of the authority he shall be deemed a trespasser"
- Page 2, clause 2, subsection (f), line 57. *Omit* "to the land" *insert* "as aforesaid and paid all rents due thereon to date"
- Page 3, clause 2, subsection (g). *Omit* the whole of subsection (g)
- Page 3, clause 2, subsection (h), line 10. *Omit* "to the land" *insert* "as aforesaid and has paid all rents due thereon to date"
- Page 3, clause 2, subsection (h), line 14. *After* "he" *insert* "without the consent of the warden"
- Page 3, clause 2, subsection (i), line 19. *After* "authority" *insert* "while he pays rent as aforesaid"
- Page 3, clause 2, subsection (j). *Omit* the whole of subsection (j)
- Page 3, clause 3, line 45. *After* "of" *insert* "possession for the purpose of making"
- Page 3, clause 4, line 53. *Omit* "or some other competent person"
- Page 3, clause 4, line 54. *After* "assess the" *insert* "market"
- Page 4, clause 4, line 2. *After* "assessed" *insert* "or the apportionment made"
- Page 4, clause 4, line 3. *After* "proceed" *insert* "either in the Supreme Court or"
- Page 4, clause 5. *Omit* the whole of clause 5.
- Page 4, clauses 8 and 9. *Omit* the whole of clauses 8 and 9 *insert* the following new clause:—

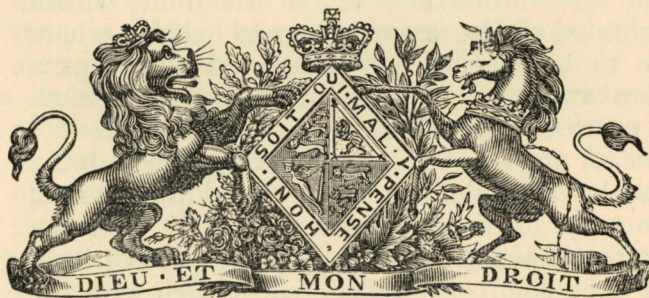
Notwithstanding anything to the contrary contained in the Mining on Private Lands Act of 1894, the owner of any private land containing a deposit of any mineral other than coal, to which the said Act does not apply, may, without any "authority to enter" or any lease under the said Act or this Act, mine for, win, and remove such mineral, notwithstanding that there may be associated with such mineral any mineral (hereinafter called "associated mineral") to which the said Act does apply, provided the value of any associated mineral does not exceed fifty per centum of the value of the mineral in this section first mentioned. And the owner aforesaid may grant to any person by lease or otherwise the right to mine for, win, and remove such mineral and any associated mineral as aforesaid from his private land.

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, 30 June, 1896.* }

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

New South Wales.



ANNO SEXAGESIMO

VICTORIÆ REGINÆ.

No. .

An Act to amend and extend the Mining on Private Lands Act of 1894, and to amend the Mining Act, 1874, and the Mining Act of 1889; 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 amend the provisions of the Mining Act, 1874, and of the Mining Act of 1889: Be it therefore enacted by the Queen's Most Excellent Majesty, by 5 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. This Act may be cited as the "Mining Laws Amendment Short title.
Act of 1896."

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

(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 the warden suitable, having regard to the class of deposit to be worked, but shall in no case exceed the area of land 15 prescribed in section twenty-six thereof having regard to the class

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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
10 named in the authority is insufficient to enable the holder to complete the prospecting of the area defined as aforesaid ;
- (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
15 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 ;
- (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
20 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
25 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 if such mining operations shall be carried on for a greater period than six months the holder of such authority shall also pay to the owner of the land such sum by way of rent as shall be determined by the warden, and such rent shall be paid
30 quarterly in advance during such period as the holder of the said authority shall occupy the said land, or until he has been granted a lease under the Mining on Private Lands Act of 1894 or any amendment thereof : Provided that the amount of such rent shall not exceed that provided in clause eight hereof : Provided also that the warden may make such stipulations and conditions with respect to such mining
35 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 ;
- (e) if prospecting operations under such authority be suspended without the written permission of the warden, such authority may be cancelled by the warden ;
- 40 (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 ;
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(g)

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- (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 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;
- (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 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 granted or refused;
- (j) notwithstanding anything to the contrary in the Mining on Private Lands Act of 1894 the holder of such authority shall have the right to erect a residence upon the area defined as aforesaid, provided that he has paid rent as hereinafter provided: Provided also that the area upon which the right to erect such residence shall extend shall not exceed a quarter of an acre.
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 mining purposes so much of such land and any adjoining or adjacent 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 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 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 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: Provided further that save in the case of the person making the discovery as aforesaid, all land resumed under this section shall be exempt from leasing, except such as may be deemed by the Minister specially suitable to be leased by reason of its great depth or wetness, or on account of the costly appliances required for its development.
4. When any private land shall be resumed as aforesaid, the Minister may direct the warden or some other competent person 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 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

Power to resume lands.

Compensation for land resumed.

Mining Laws Amendment.

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 District Court, within the jurisdiction of which the land or any part thereof is situated, to
5 determine the amount to which such owner, tenant, or other rightful occupier may be 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 gold-mining purposes, or to any holder of a mineral license a lease for
10 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—

Power to grant leases of lands enclosed and under cultivation.

(a) such lease shall not include the surface, and shall commence
15 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 liable to pay compensation to the owner for any damage
20 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;

(c) provided that land enclosed or cultivated after the date upon
30 which notice, either of an authority to enter or of a prospecting license granted under the said Act, shall have been served in the prescribed manner upon the owner or occupier thereof, shall not be deemed to be land enclosed and under cultivation within the meaning of section twelve aforesaid.

6. The number of men to be employed on any lease, special or ordinary, granted under the Mining on Private Lands Act of 1894,
35 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
40 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 be deemed private lands within the meaning of the Mining
45 on Private Lands Act of 1894 or this Act, if 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-
50 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 twenty 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
55 to lease shall have paid compensation.

Rents reserved under leases.

9. 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
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Reservation of minerals to the Crown.

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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.

10. 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 1894, but the Minister shall not make such special recommendation in any case unless the prospecting board and 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.

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of all minerals which the said land contains shall belong to the
 provisions of the said Act and this Act shall be deemed to have been made
 in relation to the said minerals as if they were the minerals of the said Act
 1882 except coal and shale. And where the words "minerals" are used in
 this and subsequent sections of this Act they shall be taken to include all
 minerals as being defined except coal and shale.

10. In relation to the minerals which are the subject of the Mining Act
 of 1882, the provisions of the said Act shall be deemed to have been made
 in relation to the said minerals as if they were the minerals of the said Act
 1882, but the Minister shall not make such special regulations in any case
 in any case unless the provisions of the said Act shall be deemed to be
 that by reason of the difficulties and cost attending the operation
 15 of mine works open and of mining such land is necessary that an
 area in excess of the limit prescribed as aforesaid be granted.

The Minister may, in his discretion, grant a lease of any land exceeding
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