

## MINING ACT, 1930-1931.

BEING

MINING ACT, 1930, No. 1953 OF 1930 [ASSENTED TO 18TH SEPTEMBER,  
1930.]

AS AMENDED BY

MINING ACT AMENDMENT ACT, 1931, No. 2004 OF 1931 [ASSENTED  
TO 6TH AUGUST, 1931.]

**An Act to consolidate certain Acts relating to mining  
and to the issue of leases for dredging for gold.**

BE IT ENACTED by the Governor of the State of South  
Australia, with the advice and consent of the Parliament  
thereof, as follows:

### PART I.

### PART I.

#### PRELIMINARY.

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|---|--|
| Short title.                            | 1. This Act may be cited as the “Mining Act, 1930-1931.”   |
| Acts con-<br>solidated and<br>repealed. | 2. This Act is a consolidation of the Acts mentioned in the first schedule, and the said Acts are hereby repealed. |
| Arrangement<br>of Act.                  | 3. The provisions of this Act are arranged as follows:—  |
- PART I.—Preliminary.

PART II.—Administration.

PART III.—Acquisition of Rights of Prospecting, Mining and Occupation—

DIVISION I.—General:

DIVISION II.—Miners’ Rights:

DIVISION III.—Goldfields:

DIVISION IV.—Gold Leases:

DIVISION V.—Mineral Leases:

DIVISION VI.—Coal Leases, Oil Leases:

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**Mining Act Amendment Act, 1931:** S. 12 of the Mining Act Amendment Act, 1931, provides that, subject to the exceptions mentioned in that section, all the provisions of that Act shall cease to have effect upon 30th June, 1936. Ss. 1, 8, and 10 of that Act are excluded from the operation of s. 12, and the amendments to the Mining Act, 1930, made by ss. 8 and 10 are therefore incorporated in the reprint of the Mining Act, 1930-1931; other amendments made by the first-mentioned Act, which had only a temporary operation, are not so included. The Mining Act Amendment Act, 1931, is reprinted at the end of the Mining Act, 1930-1931.

DIVISION VII.—Miscellaneous Leases:

DIVISION VIII.—Special Mining Leases:

DIVISION IX.—Business and Occupation Licences.

PART IV.—Forfeiture of Mining Leases.

PART V.—Search Licences.

PART VI.—Permits to Prospect for Oil.

PART VII.—Dredging Leases.

PART VIII.—Drainage from Mines.

PART IX.—Encouragement of Mining.

PART X.—Miscellaneous.

PART XI.—Regulations.

4. In the construction of this Act, except where inconsistent with the context or subject matter—

Definition.  
587, 1893,  
s. 4.  
881, 1905,  
s. 2.  
1352, 1918,  
s. 3.  
1512, 1922,  
s. 3.

“business” means any business, profession, trade, calling, or occupation, except mining:

“business claim” means a claim held under a business licence:

“business licence” means a business licence granted under this Act:

“claim” means any area held under a miner’s right or business licence, and includes amalgamated claims:

“coal” includes all descriptions of coal and shale:

“coal or oil lease” means a coal or oil lease granted under this Act for the purpose of mining for coal or oil:

“Crown lands” means all lands in South Australia, except—

(a) lands reserved for or dedicated to any public purpose:

(b) lands subject to a grant or contract for a grant in fee simple by or on behalf of the Crown:

(c) lands subject to any licence for mining purposes, or to any lease granted by or on behalf of the Crown, or held by virtue of a miner’s right or a business licence or occupation licence:

And includes all lands situate between high and low water-mark on the seashore and on the margin of tidal rivers:

“dredging lease” means a lease granted under this Act for the purpose of dredging for gold:

“gold” means gold and also any substance containing gold, or having gold mixed therewith, or set apart for the purpose of extracting gold therefrom:

“goldfield” means a proclaimed goldfield:

“gold lease” means a lease granted under this Act for the purpose of mining for gold:

“inspector” means an inspector of mines appointed under this Act:

“metals” includes gold:

“mine,” as a noun, includes all lands and works on, in, or by which mining is carried on:

“mineral lands” includes all Crown lands, and also all other lands which are proclaimed as mineral lands pursuant to section 6, and all lands made mineral lands pursuant to section 7:

“mineral lease” means a lease granted under this Act, for the purpose of mining for metals or minerals other than gold:

“minerals” means all metals and minerals other than gold and the ore of any metal other than gold, and also sand, gravel, stone, and shell, together with all rocks and earthy substances, excepting—

(a) precious stones:

(b) salt and gypsum:

(c) coal, shale, and oil:

(d) guano:

“mining” or “to mine” includes quarrying and all modes of prospecting for, obtaining, collecting, or treating any metals, minerals, precious stones, coal, oil, salt, or gypsum:

“mining lease” means a lease of any kind granted under this Act or any of the repealed Acts:

“Minister” means the Minister of Mines under this Act:

“miner’s right” means a miner’s right issued under this Act:

“oil” includes all descriptions of mineral oil:

“precious stones” includes diamond, ruby, sapphire, emerald, beryl, aquamarine, opal, turquoise, tourmaline, and any other mineral which may from time to time be declared by proclamation to be a precious stone within the meaning of this Act:

“prospecting” includes all modes of prospecting for metals, minerals, precious stones, coal, oil, salt, or gypsum:

“repealed Acts” means the Acts repealed by this Act and the Acts repealed by the Mining Act, 1893:

“warden” means a warden appointed under this Act or under the repealed Acts:

“worked-out lands” means mineral lands which have been worked for alluvial gold and which have been reported upon by a warden as no longer capable of being profitably worked for alluvial gold.

5. This Act applies only to Crown lands and mineral lands.

Application of Act.

587, 1893,  
s. 6,  
1512, 1922,  
s. 4.

6. The Governor, by proclamation, may—

Power of Governor to make certain proclamations.

587, 1893,  
s. 7.

(a) declare to be mineral lands any lands belonging to or vested in the Crown, and any lands out of which minerals have been reserved to the Crown:

(b) declare any Crown lands or mineral lands to be a goldfield:

(c) reserve from the operation of all or any of the provisions of this Act any specific portion or class of Crown lands or mineral lands:

(d) revoke or alter any previous proclamation.

7. All public reserves, the fee simple of which has not been alienated from the Crown, and all public streets, roads, and highways, shall, for the purposes of this Act, be mineral lands and may be dealt with accordingly, subject to any regulations for protecting the public user of the surface of the reserves, streets, roads, or highways, and for securing to any person who, for the time being has the right of mining upon any property intersected by or abutting on any such reserve, street, road, or highway the preferential right of mining on or under the reserve, street, road, or highway so intersecting or abutting.

Reserves and roads to be mineral lands subject to special conditions.

587, 1893,  
s. 8,  
1512, 1922,  
s. 5.

S. 6. *LANE v. SYMONDS* (1932) S.A.S.R. 439. Held that private lands, alienated in fee simple from the Crown, and under the provisions of The Real Property Act, 1886, are subject to the provisions of this Act, if not within the exceptions comprised in this Act.

## PART I.

Exemption of  
certain lands.  
587, 1893,  
s. 9.

8. (1) Mineral lands which are lawfully and *bona fide* used—

(a) as a yard, garden, cultivated field, or orchard:

(b) as the site of a house, outhouse, shed, or other building which is actually used and occupied:

(c) as the site of an artificial dam or reservoir,

shall be exempted from the operation of this Act.

(2) Any such exemption shall cease upon payment of compensation for loss resulting from the cesser of the exemption to the person (if any) entitled to purchase the lands, or to the lessee (if any) of the lands, the said compensation to be determined by arbitration in the prescribed manner. The person desiring the cesser of the exemption, and the person entitled to purchase, or the lessee, as the case may be, shall be deemed parties to a submission to such arbitration.

## PART II.

## PART II.

## ADMINISTRATION.

Minister of  
Mines.  
587, 1893,  
s. 10.

9. The Minister of Mines and his successors in office are hereby continued as a body corporate under the name of "The Minister of Mines," with perpetual succession and a common seal.

Mining  
districts.  
587, 1893,  
s. 13.

10. The State, for the purposes of this Act, may be divided into mining districts, with the names and boundaries to be fixed by the Governor by proclamation.

Powers of  
Governor.  
587, 1893,  
s. 14.

11. The Governor, by proclamation, may vary the boundaries of any mining district, abolish any mining district, and constitute new mining districts.

Mining  
registrar.  
587, 1893,  
s. 15.

12. A mining registrar shall be appointed by the Governor for each district, who shall reside therein and shall be called "The Mining Registrar for the District of \_\_\_\_\_," the blank being filled in with the distinctive name of the particular district.

Officer not to  
be interested  
in mining.  
587, 1893,  
ss. 16 and  
124.  
1512, 1922,  
ss. 6 and  
26.

13. No officer appointed under this Act, or entitled to exercise any powers hereunder, (other than a mining surveyor) shall hold, either directly or indirectly, any share or interest in any mining venture in South Australia, and any officer as aforesaid who holds any such share or interest

in contravention of this section shall be liable to a penalty not exceeding five hundred pounds or to imprisonment to any term not exceeding six months.

14. A warden may hear and determine in a summary way all suits concerning any right claimed in, under, or in relation to a miner's right or business or occupation licence, or any advantage thereof or liability thereunder, or any contract in respect thereof.

Powers of  
warden.  
587, 1893,  
s. 17.

15. The jurisdiction of a warden shall extend not only to cases where the litigants are the parties originally interested in the cause of suit, but to cases where the title of litigants is derived from or through any of such parties.

Jurisdiction  
of warden.  
587, 1893,  
s. 18.

16. The warden may decide any suit, and any matter arising therein, in such manner as may be just, and may make and give all orders and directions necessary for enforcing his decision, and may award reasonable costs.

Power of  
hearing.  
587, 1893,  
s. 19.

17. The mode of proceeding in a suit before a warden shall be as follows:—

Mode of  
proceeding  
before  
warden.  
587, 1893,  
s. 20.

- i. The person suing shall lodge a plaint note at the warden's office nearest to the land in reference to which or to any thing taken from which the cause of action arose:
- ii. Where paragraph i. of this section does not apply, the plaint note may be lodged at the office of any warden, and in any such case, and also in any case where it shall appear that the plaint note has been lodged at the wrong office, the warden at whose office the plaint note has been lodged, if he thinks that the suit may conveniently to the parties be decided by him, may decide the same, but otherwise shall transmit a certified copy of the proceedings in the suit to the office of the warden who, in his opinion, can with most convenience to the parties decide the suit. The last mentioned warden shall thereupon have jurisdiction in the matter:
- iii. The plaint note shall be in the form No. 1 in the fourth schedule or in a form to the like effect, and shall specify shortly the subject matter of the complaint, and the relief claimed:

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s. 16. LANE V. WARD (1935) S.A.S.R. 111. Observations that a practice of the warden's court to allow to the successful party the expenses of any witness called, irrespective of the effect that his testimony may have upon the court, was not in accordance with justice.

- iv. Upon receipt of the plaint note the warden shall give notice in the form No. 2 in the fourth schedule, by post or otherwise, to the party sued of the nature of the suit, and the time and place at which the same will be heard and determined:
- v. At the time and place appointed the parties shall attend and state their cases before the warden, and may call evidence on oath (which oath the warden is hereby authorised to administer) in support thereof, and the warden, having heard such statement and evidence, shall give his decision, which shall be final, except as hereinafter provided:
- vi. The warden may adjourn the hearing of a suit to any other time or place, and may, either at the original hearing or at any adjournment, proceed in the absence of either party:
- vii. No person who is not the holder of a miner's right in his own name shall have any right to institute proceedings before a warden.

Warden's  
order.  
587, 1893,  
s. 21.

**18.** A warden's order or decision need not be formally drawn up, but the record in the warden's book, which he is hereby required to keep for the purpose, shall be conclusive evidence of the order or decision. Any person may obtain a copy of the record on payment to the warden of the prescribed fee.

Power of  
warden to  
order metal,  
etc., to be  
seized.  
587, 1893,  
s. 22,  
1852, 1918,  
s. 4.

**19.** The warden, upon the hearing of a suit, may cause any metal, precious stones, mineral, coal, or oil to be summarily seized and delivered to the person entitled thereto.

Inspection by  
warden.  
587, 1893,  
s. 23,  
1852, 1918,  
s. 5.

**20.** Any warden or any person authorised by the Minister may, at all reasonable times, enter and inspect any mine held under a claim or mining lease, and examine and take extracts from all books, accounts, vouchers, and documents relating thereto, or to any metals, precious stones, minerals, coal, or oil obtained therefrom.

Application  
of Justices  
Act, 1921.  
587, 1893,  
s. 24.

**21.** The Justices Act, 1921, and any other Act for the time being regulating proceedings before and the powers of justices, shall, so far as practicable, and subject to any modifications, alterations, or additions which may be prescribed, apply to proceedings before a warden, and to the enforcement

S. 21. **THE COMMONWEALTH PLASTER COMPANY LIMITED v. MOULDEN** (1925) S.A.S.R. 325. Held that a warden when exercising jurisdiction is not a court of summary jurisdiction as defined by the Justices Act, 1921.

of his decisions in like manner as if such decisions were the decisions of justices.

**22.** There shall be an appeal pursuant to the provisions of the Justices Act, 1921, from any determination of a warden, or from any order of dismissal.

Appeal.  
587, 1893,  
s. 25.

### PART III.

### PART III.

## ACQUISITION OF RIGHTS OF PROSPECTING, MINING, AND OCCUPATION.

### DIVISION I.—GENERAL.

### DIVISION I.

**23.** Prospecting and mining shall be permitted pursuant to this Act by virtue of—

Modes of  
acquiring  
right of  
prospecting,  
mining, and  
occupation.  
587, 1893,  
s. 26.

- (a) a miner's right;
- (b) a gold lease;
- (c) a mineral lease;
- (d) a coal lease;
- (e) an oil lease;
- (f) a miscellaneous lease; or
- (g) a special mining lease.

And in addition to the rights of occupation conferred by the foregoing, occupation shall be permitted pursuant to this Act by virtue of—

- (i.) a business licence; or
- (ii.) an occupation licence.

### DIVISION II.—MINERS' RIGHTS.

### DIVISION II.

**24.** (1) A miner's right shall be issued by any warden or mining registrar to any person applying for the same, upon payment of the sum of five shillings.

Miners'  
rights.  
587, 1893,  
s. 27.

S. 22. THE COMMONWEALTH PLASTER COMPANY LIMITED v. MOULDEN (1925) S.A.S.R. 325. Held, under s. 25 of The Mining Act, 1893, that an appeal from a warden's decision was to a local court of full jurisdiction and that the Supreme Court had no jurisdiction to hear such an appeal. S. 22 of this Act has been substituted for the said s. 25 and the verbiage has been considerably altered.

S. 24. REGINA (on the application of JOACHIM MATTHIAS WENDT) v. GEE (1889) 23 S.A.L.R. 164. Held, under The Gold Mining Act, 1885 (s. 4 of which provided that "a miner's right may be granted by the warden" upon payment of certain fees) that the Crown through the warden had an absolute discretion as to the issue of miners' rights and licences under that Act.



PART III.  
DIVISION II.

(2) A miner's right shall be in the form contained in the second schedule and shall remain in force for one year from the date of the issue thereof.

Renewal of  
miner's  
right.  
587, 1893,  
s. 28.

**25.** A miner's right may be renewed at any time during its currency on payment of the sum of five shillings.

Effect of  
renewal.  
587, 1893,  
s. 29.

**26.** Every renewal shall be in force for one year from the expiration of the right renewed.

Privileges  
under miner's  
right.  
587, 1893,  
s. 30.  
1852, 1918,  
s. 6.  
1512, 1922,  
s. 7.

**27.** A miner's right shall, in the first instance, authorise the holder to prospect for any metal, precious stones, mineral, coal, oil, salt, or gypsum, the property of the Crown, and to peg out in the prescribed manner and of the prescribed shape and dimensions on any land whereon the same may be or be supposed to be—

- (a) a gold claim not exceeding the prescribed area:
- (b) a precious stones claim not exceeding the prescribed area:
- (c) a mineral claim not exceeding forty acres in area:
- (d) a coal claim not exceeding six hundred and forty acres in area:
- (e) an oil claim not exceeding six hundred and forty acres in area:
- (f) a salt or gypsum claim not exceeding the prescribed area.

Ownership of  
claims.  
587, 1893,  
s. 31.

**28.** The holder of the miner's right shall be the person in whose name the miner's right is issued, and he shall be the owner of the claim pegged out.

Rights of  
owners of  
claims.  
587, 1893,  
s. 32.  
1852, 1918,  
s. 7.  
1512, 1922,  
s. 8.

**29.** The ownership of a claim shall confer the right to reside thereon, and the following rights in respect thereof—

- I. As to a gold claim, the preferential right to a gold lease, and in the meantime the right of mining for gold and the ownership of all gold, precious stones, and other metals or minerals found:
- II. As to a precious stones claim, the right of mining for precious stones, and the ownership of all precious stones found:

**s. 27. PARA WIRRA GOLD MINES NO LIABILITY v. HILL (1934) S.A.S.R. 394;** partly reversing **HILL v. PARA WIRRA GOLD MINES NO LIABILITY (1934) S.A.S.R. 240.** Held that, where inscriptions were placed by the holder of a miner's right on pegs previously placed on a claim by a person whose miner's right had expired, the action of so doing constituted a proper pegging of the claim.

III. As to a mineral claim, the preferential right to a mineral lease, and in the meantime the right to mine on the claim for any metals or minerals, except gold, and the ownership of all such metals and minerals when found:

IV. As to a coal or oil claim, the preferential right to a coal or oil lease, and in the meantime the right to mine for coal or oil, and the ownership of all coal or oil found:

V. As to a salt or gypsum claim, the preferential right to a miscellaneous lease for the purpose of the manufacture or obtaining of salt or gypsum. The ownership of a salt or gypsum claim shall not confer on the owner thereof the right of mining for salt or gypsum thereon, and, except with the approval of the Minister and subject to the prescribed conditions, no salt or gypsum shall be mined by the owner of any such claim on the land comprised therein until a miscellaneous lease for the purpose of the manufacture or obtaining of salt or gypsum has been granted to him by the Governor.

30. The owner of a claim, for the purpose of mining thereon, may exercise the following rights in relation to any Crown lands, that is to say, he may—

Additional rights of owners of claims.

587, 1893, s. 33.

(a) cut, construct, and use water races, dams, and reservoirs, and take, divert, and use water, and cut, take, and use timber, and take and use stone, clay, or gravel:

(b) take possession of, and while actively engaged in prospecting or mining, occupy for the purpose of residence any prescribed area:

(c) put up any building or other erection upon the area so occupied, and remove the same while in lawful possession of such area.

31. Whenever the same area shall be included in different classes of claims, the different classes shall have priority in the following order:—

Priority of claims.

587, 1893, s. 34.  
1352, 1918, s. 8.  
1512, 1922, s. 9.

(a) gold claims:

(b) precious stones claims:

(c) mineral claims:

PART III.  
DIVISION II.

(d) coal or oil claims:

(e) salt or gypsum claims:

but the owners of all claims shall comply with prescribed requisites for securing to each the benefit of his claim, and for preventing unnecessary interference with any rights previously existing.

Claim not to be pegged twice of the same class.  
587, 1893,  
s. 35.

**32.** No area which is pegged out under one class of claim shall be liable to be again pegged out under the same class during the term of the miner's right under which the same is held, unless the forfeiture of the claim has been declared, or the same has been abandoned.

No mining under road, etc., without consent.

587, 1893,  
s. 36.

Amended by  
2004, 1931,  
s. 8.

**33.** No holder of a miner's right shall prospect or mine upon or under a street, road, or highway without the consent, in writing, of the municipal corporation or district council having the control thereof.

If any such municipal corporation or district council refuses its consent to any person to prospect or mine as aforesaid, the said person may apply to a warden for consent to prospect or mine as aforesaid. The warden may in his discretion grant any such application, in which case the applicant may prospect or mine as aforesaid without the consent of the municipal corporation or district council.

No claim within fifty yards of shaft.  
587, 1893,  
s. 37.

**34.** No claim shall be pegged out upon any area which is being lawfully mined, so as wholly or partially to come within fifty yards of a shaft or sinking in actual use for the purpose of such mining without the consent in writing of the person mining.

Conditions as to claims.  
587, 1893,  
s. 38.

**35.** No person shall at the same time own more than one claim by virtue of the same miner's right; but any person may hold any number of miner's rights, and for each miner's right so held by him he may own one claim: Provided that no person shall hold more than one alluvial gold claim.

Forfeiture.  
587, 1893,  
s. 39.  
1352, 1918,  
s. 9.

**36.** (1) Every claim shall be liable to forfeiture upon non-compliance by the owner with the prescribed conditions as to working the same.

s. 32. PARA WIRRA GOLD MINES NO LIABILITY v. HILL (1934) S.A.S.R. 394; partly reversing HILL v. PARA WIRRA GOLD MINES NO LIABILITY (1934) S.A.S.R. 240. Held that where a claim is pegged out by a person holding a miner's right which subsequently expires and is not renewed, no declaration of forfeiture is necessary to enable the area comprised in the claim to be pegged out after such expiration for the same class of claim by any other person who is the holder of a miner's right.

(2) If at any time the Minister is satisfied by the report of a warden that payable results have been obtained on any claim, other than an alluvial gold claim or precious stones claim, he may require the owner of the claim to take a lease of his claim, and in default of compliance with any such requisition the claim shall be liable to forfeiture.

37. Any holder of a miner's right who shall, in a suit instituted by him before a warden, prove that a claim is liable to forfeiture, shall be entitled to an order declaring and enforcing such forfeiture, and shall, for fourteen days after the making of the order, have a preferential right to enter upon and peg out the claim as a claim of the same class as the one forfeited.

Preferential right of person establishing forfeiture of claim.  
587, 1893,  
s. 40.

38. Every claim shall be personal property.

Claim to be personal property.  
587, 1893,  
s. 41.

39. The owner of a claim, and every person deriving title from or through him, within thirty days after the claim is first pegged out, or the title is acquired, or within such additional time (if any), not exceeding fourteen days, as a warden may, on the ground of sickness, absence, or other like disability of any such owner or person allow, shall register the claim or title in the prescribed manner, in the office of the mining registrar in the mining district wherein the claim is situated.

Claim to be registered.  
587, 1893,  
s. 42.

40. No claim or title shall be registered unless the miner's right under which the claim is held is produced to the officer required to register the same.

Miner's right to be produced on registration.  
587, 1893,  
s. 43.

41. If any owner or person neglects to register his claim or title pursuant to section 39, he shall not be authorised, while the default continues, to prospect or mine thereon, and for default by the owner the claim shall be liable to forfeiture.

Effect of non-registration.  
587, 1893,  
s. 44.

42. After, but not before, the registration of a claim the owner may, subject to the regulations, and in the prescribed manner, by instrument in writing, divide the interest in the claim into such shares as he shall think proper, and may allot shares and transfer the claim or create or transfer any interest therein.

Transfer of claims and interests therein.  
587, 1893,  
s. 45.

43. Two or more adjoining claims may be amalgamated in manner prescribed, and every amalgamation shall be registered as prescribed.

Amalgamation of claims.  
587, 1893,  
s. 46.

## PART III.

## DIVISION III.

Mining in  
goldfields.  
587, 1893,  
s. 48.

Discovery  
of payable  
gold.  
587, 1893,  
s. 49,  
1512, 1922,  
s. 10.

Revocation of  
provisional  
proclamation.  
587, 1893,  
s. 50.

## DIVISION IV.

Gold leases.  
587, 1893,  
s. 51.  
1352, 1918,  
s. 10.  
1927, 1929,  
s. 3.  
Of. U.K.  
36 & 37  
Vict. c. 36,  
s. 4.  
Of. U.K.  
17 & 18  
Geo. 5 c. 23,  
s. 7.

## DIVISION III.—GOLDFIELDS.

**44.** Mining and occupation shall be permitted in goldfields in manner prescribed.

**45.** (1) On the report of any person of his discovery of gold in apparently payable quantities on mineral lands made to a warden in manner prescribed, the warden shall forthwith post a notice of the discovery outside his office, which notice shall operate to proclaim provisionally as a goldfield as on and from the day when the discovery was reported all mineral lands contained in a square, the boundary lines of which shall be directed to the cardinal points and the central point in each boundary line whereof shall be distant half a mile from the place of discovery.

(2) Any such provisional proclamation shall be in force, and have the effect of a proclamation under section 6, until the area comprised therein or any enlarged or diminished area is proclaimed as a goldfield under the said section or the provisional proclamation is revoked.

**46.** The warden to whom any such discovery is reported, or some officer to be authorised in that behalf by the Minister, shall forthwith inspect the alleged discovery and report thereon to the Minister; and if on such report the Minister is of opinion that the alleged discovery does not warrant the proclamation of a goldfield he may, by notice in the *Government Gazette*, revoke the provisional proclamation.

## DIVISION IV.—GOLD LEASES.

**47.** (1) The Governor may grant to a holder of a miner's right a gold lease of land not exceeding forty acres in area.

(2) Lands held under a miner's right or business or occupation licence may be leased under this section with the consent in writing of the holder of the right or licence, or, in case of land held under a business or occupation licence, without such consent on payment to the holder of compensation for all loss and damage, the amount of the compensation in case of difference to be settled by a warden.

(3) Lands comprised in a goldfield shall not be leased under this section until after the expiration of one year from the date of the proclamation of the goldfield.

(4) A gold lease may be for any term not exceeding twenty-one years, and shall reserve an annual rental of one shilling per acre, payable yearly in advance, the first payment to be made on making the application for the lease, and shall

reserve a further sum of sixpence in the pound sterling on the net profits obtained from the occupation and working of the lands comprised in the lease and the sale of the metals, precious stones, and minerals obtained therefrom.

48. Every gold lease shall contain the following covenants by the lessee:—

Covenants, in  
gold leases.  
587, 1893,  
s. 52.  
1927, 1929,  
s. 4.

- i. That he will pay the rent reserved by the lease as and when it shall become due:
- ii. That he will not without permission in writing from the Minister use the leased land for any other purpose than that of mining on the land as authorised by his lease:
- iii. That he will, during the term of the lease, observe the prescribed labour conditions, and that he will furnish the Minister, whenever required by the Minister, with satisfactory evidence that the said labour conditions have been and are being observed:
- iv. That he will furnish the prescribed statements of the workings and proceeds of the mine, and observe all the provisions of this Act:
- v. Such other covenants and conditions as may be prescribed:

and shall contain a proviso that the lease shall be liable to forfeiture upon breach by the lessee of any covenant or condition therein.

49. The owner of a mineral claim and the holder of a mineral lease shall have a preferential right to a gold lease of the land comprised in the claim or lease, or any part thereof, subject to such terms as may be prescribed.

Holder of  
mineral  
claim or lease  
to have  
right to gold  
lease.  
587, 1893,  
s. 54.

50. The holder of a gold lease shall be entitled by virtue of his lease to mine for all metals, precious stones, and minerals, in and upon the land comprised therein, subject to the conditions of his lease and to the regulations.

Rights of  
gold lessee  
to mine for  
other metals  
or minerals.  
587, 1893,  
s. 55.  
1927, 1928,  
s. 11.  
1922, 1922,  
s. 11.

51. Any number of gold leases may be held by one person.

Number of  
leases.  
587, 1893,  
s. 56.

## DIVISION V.

## DIVISION V.—MINERAL LEASES.

Mineral  
leases.

587, 1893,  
s. 57.  
1352, 1918,  
s. 12.  
1512, 1922,  
s. 12.  
Cf. U.K.  
36 & 37  
Vict. c. 36,  
s. 4.  
Cf. U.K.  
17 & 18  
Geo. 5 c. 23,  
s. 7.

**52.** (1) The Governor may grant to a holder of a miner's right a mineral lease of lands not comprised in a goldfield, and not exceeding forty acres in area.

(2) Lands held under a miner's right or business or occupation licence and not comprised in a goldfield may be leased under this section with the consent in writing of the holder of the right or licence, or, in case of land held under a business or occupation licence, without such consent on payment to the holder of compensation for all loss and damage, the amount of the compensation in case of difference to be settled by a warden.

(3) A mineral lease may be for any term not exceeding twenty-one years, and shall reserve an annual rental of one shilling per acre, payable yearly in advance, and shall reserve a further sum of sixpence in the pound sterling on the net profits obtained from the occupation and working of all mines on, and the sale of all metals and minerals which shall be obtained from, the land comprised in the lease.

Conditions  
of lease.

587, 1893,  
s. 58.  
1352, 1918,  
s. 13.

**53.** Every mineral lease shall contain the following covenants by the lessee:—

- i. That he will pay the rent reserved by the lease as and when it shall become due:
- ii. That he will not, without permission in writing from the Minister, use the leased land for any other purpose than that of mining on the land:
- iii. That he will during the term of the lease observe the prescribed labour conditions, and that he will furnish the Minister, whenever required by him, with satisfactory evidence that the said labour conditions have been and are being observed:
- iv. That he will forward the returns required by, and observe all the provisions of this Act:
- v. Such other covenants and conditions as may be prescribed:

And shall contain a proviso that the lease shall be liable to forfeiture upon breach by the lessee of any covenant or condition therein.

Number of  
leases.

587, 1893,  
s. 59,

**54.** Any number of mineral leases may be held by one person.

## DIVISION VI.—COAL LEASES, OIL LEASES.

55. (1) The Governor may grant to a holder of a miner's right a coal or oil lease of lands not comprised in a goldfield and not exceeding six hundred and forty acres in area.

(2) Lands held under a miner's right or business or occupation licence, and not comprised in a goldfield, may be leased under this section with the consent in writing of the holder of the right or licence, or, in case of land held under a business or occupation licence, without such consent on payment to the holder of compensation for all loss and damage, the amount of the compensation in case of difference to be settled by a warden.

(3) A lease under this section may be for any term not exceeding twenty-one years, and may be granted at such a rental and upon such terms and conditions as the Governor may think fit, or as may be prescribed. The rent reserved by any such lease shall be payable yearly in advance.

(4) A lease under this section which is granted after the fifth day of December, nineteen hundred, shall, in addition to the annual rent, reserve a further sum equal to sixpence in the pound sterling on the net profits obtained from the occupation and working of the lands comprised in the lease and the sale of the coal or oil obtained therefrom.

56. Every coal or oil lease shall contain the following covenants by the lessee:—

- I. That he will pay the rent reserved by the lease as and when it shall become due:
- II. That he will not, without permission in writing from the Minister, use the leased land for any other purpose than that of mining as authorised by his lease:
- III. That he will, during the term of the lease, keep continuously employed in mining or prospecting upon the leased land as authorised not less than one man for every forty acres of the land leased, and that he will furnish the Minister whenever required by him, with satisfactory evidence that the said number of men have been and are employed:
- IV. That he will observe all the provisions of this Act:
- V. Such other covenants and conditions as may be prescribed:

Leases for coal mining, etc.

587, 1893,  
s. 60.  
751, 1900,  
s. 14.  
1852, 1918,  
s. 14.  
1512, 1922,  
s. 13.  
Of. U.K.  
36 & 37  
Vict. c. 36,  
s. 4.  
Of. U.K.  
17 & 18  
Geo. 5 c. 23,  
s. 7.

Covenants in lease.

587, 1893,  
s. 61.



PART III.  
DIVISION VI.

And shall contain a proviso that the lease shall be liable to forfeiture upon breach by the lessee of any covenant or condition therein.

Gold lessee  
to have  
right to coal  
or oil lease.  
1512, 1922,  
s. 14.

57. The owner of a gold claim and the owner of a gold lease shall have a preferential right to a coal or oil lease of the land comprised in the claim or lease, or any part thereof, subject to such terms as may be prescribed.

Number of  
leases.  
587, 1893,  
s. 62.

58. Any number of coal or oil leases may be held by one person.

DIVISION VII.

DIVISION VII.—MISCELLANEOUS LEASES.

Salt and  
gypsum  
leases, &c.  
587, 1893,  
s. 63.  
751, 1900,  
s. 14.  
1852, 1918,  
s. 15.  
1512, 1922,  
s. 15.  
Cf. U.K.  
36 & 37  
Vict. c. 36,  
s. 4.  
Cf. U.K.  
17 & 18  
Geo. 5 c. 23,  
s. 7.

59. (1) The Governor may grant to a holder of a miner's right a lease of mineral lands for any term not exceeding twenty-one years, at such rent and upon such terms and conditions as may be prescribed, for all or any of the following purposes:—

- I. For the manufacture or obtaining of salt or gypsum:
- II. For the working of mineral springs:
- III. For sites for smelting works or any other mining works approved by the Governor:

(2) The rent reserved by any such lease shall be payable yearly in advance.

(3) A lease under paragraph I. or II. of subsection (1) of this section which is granted after the fifth day of December, nineteen hundred, shall, in addition to the annual rent, reserve a further sum equal to sixpence in the pound sterling on the net profits obtained from the occupation and working of the lands comprised in the lease and the sale of the salt, gypsum, or mineral waters obtained therefrom.

Conditions of  
lease.  
587, 1893,  
s. 64.  
1512, 1922,  
s. 16.

60. Every lease granted under section 59 shall contain—

- (a) a covenant by the lessee to use the leased land *bona fide* for the purpose for which it shall have been leased, and for no other purpose:
- (b) such other covenants and conditions as may be prescribed:
- (c) a proviso for forfeiture upon breach by the lessee of any covenant or condition therein.

PART III.  
DIVISION VII.

61. Any person who, at the sixteenth day of October, eighteen hundred and ninety-five, held any lands under agreement for purchase of the same upon credit, or under any selector's, right of purchase, perpetual, or miscellaneous lease granted by or on behalf of the Crown upon which any salt lake is situated, shall have a preferential right to a lease under this Division of any portion of the said lands (not exceeding in area the amount prescribed by the regulations) for the purpose of obtaining salt, the said right to be exercised within two months from the giving of a notice to the said person from the Minister requiring the said person to exercise the said preferential right.

Holders of lands on which salt lakes are situated to have preferential right to a salt lease of such lands.

618, 1895,  
s. 2.

## DIVISION VIII.—SPECIAL MINING LEASES.

## DIVISION VIII.

62. (1) The Governor may, upon the recommendation of the Minister, grant a special mining lease of any mineral lands in any case where the Minister is satisfied that by reason of the difficulties or cost attending the prospecting or development thereof, the construction of plant thereon, the treatment of the materials to be mined therefrom, or for any other reason a special mining lease of the land should be granted.

Special mining lease,  
1927, 1929,  
s. 6.

(2) The Minister may, on application being made for a special mining lease, direct the Government Geologist or Inspector of Mines to inquire into and report to him on the application, on the rent and royalty to be paid, on the term of the lease, on the area of the land to be comprised in the lease, and on the labour and other conditions to be incorporated in the lease.

(3) The term of any special mining lease may be for any period not exceeding two years.

(4) The lessee shall furnish the Minister, whenever required by the Minister, with satisfactory evidence that all the terms and conditions of the lease have been and are being properly complied with, and if the lessee makes default in complying with the provisions of this subsection, his lease may be cancelled forthwith.

(5) The lessee shall, during the term of his lease, if proper compliance has been made with all the terms and conditions thereof, have a preferential right to an ordinary lease or leases under this Act appropriate to the substance to be mined or treated, of the whole or any part of the land comprised in the special mining lease.

(6) The Governor may fix the term of and the area of the land to be comprised in any such special mining lease, the rent and royalty to be paid, and the labour conditions and

PART III.  
DIVISION VIII.

other conditions, reservations, and exceptions to be contained therein, but in all other respects every such special mining lease and the application for the same shall be subject to the provisions of this Act.

DIVISION IX.

DIVISION IX.—BUSINESS AND OCCUPATION LICENCES.

Business  
licence.  
587, 1893,  
s. 65.

63. A business licence in the form in the third schedule may be granted by a warden or mining registrar to any person upon payment of ten shillings for a licence for six months, or one pound for a licence for a year.

Effect of  
business  
licence.  
587, 1893,  
s. 66.

64. (1) Every business licence shall entitle the holder to peg out a business claim, and to occupy the business claim for the purposes of residence and of business.

(2) Every such holder shall, during the continuance of the business licence, be the owner of the claim (except as against His Majesty).

(3) No person shall own or occupy more than one business claim.

(4) No business claim shall exceed in extent a quarter of an acre in township sites and one acre on other lands.

Transfer of  
business  
licence.  
587, 1893,  
s. 67.

65. The holder of a business licence may by writing under his hand in the prescribed form, and signed by him before a warden, mining registrar, or justice, transfer the same. The transfer shall be registered as prescribed, and shall operate to transfer the business claim to the transferee.

No business  
claim allowed  
in certain  
cases.  
587, 1893,  
s. 68.

66. No business claim shall be pegged out within five miles of any Government township unless the same shall be pegged out within a goldfield.

Power of  
Minister to  
grant occu-  
pation  
licences.  
587, 1893,  
s. 69.  
1054, 1911,  
s. 4.

67. (1) The Minister may grant to any person an occupation licence authorising the holder thereof to occupy, for the purpose of residence and cultivation by himself and his family only, any defined portion of Crown lands not exceeding half an acre, and (with the consent in writing of the holder or lessee thereof) any portion not exceeding half an acre of the lands comprised in a claim (other than a gold claim), or comprised in a mining lease.

(2) An occupation licence shall be for fourteen years, and at such annual rent, not being less than two shillings and not more than ten shillings, as is approved by the Minister; and shall be transferable by writing, in the prescribed form, signed by the holder of the licence.

(3) The Minister shall renew an occupation licence on the request of the holder thereof until the land comprised therein shall be required for the purpose of any road, railway, or public work.

(4) Every such licence, and every transfer thereof, shall be registered in the prescribed manner by the holder or transferee at the office of the mining registrar nearest to the site of the land comprised therein.

68. In the case of an occupation licence granted in respect of lands comprised in a claim or a mining lease the owner of the claim, or the holder of the lease may, on giving three months' notice in writing of his intention so to do, resume for the purpose only of mining therein and thereon, the land comprised in the licence, on paying therefor such compensation as a warden may consider just for the loss of so much of the term of the licence as may then be unexpired, together with the value, fixed by a warden of any improvements made thereon by the licensee or his predecessor in title.

Power of  
lessee to  
resume lands  
held under  
occupation  
licence.  
587, 1893,  
s. 70.

69. When any land included in an occupation licence is required for the purpose of any road, railway, or public work, during the term of the licence, the licence shall thereupon determine; but the holder thereof shall be entitled to claim from the Crown the same compensation and payment for the value of improvements as is by the last preceding section directed to be paid on the resumption of land by the owner of a claim.

Cesser of  
licence on  
resumption  
by Crown.  
587, 1893,  
s. 71.

#### PART IV.

#### FORFEITURE OF MINING LEASES.

70. (1) Any person who is the holder of a miner's right in his own name, and who is of opinion that any mining lease is liable to forfeiture, may lodge a plaint note at the warden's office nearest to the lands comprised in the lease praying that the lease shall be forfeited and stating the grounds for the forfeiture.

(2) The said person shall, at the time of lodging the plaint note, lodge at the office of the same warden a sum of not less than two pounds which, if the Minister considers the

Application  
for forfeiture  
of mining  
lease.  
1852, 1918,  
s. 21.

complaint to be frivolous, and not otherwise, shall be absolutely forfeited to the Government.

(3) The plaint note may also contain a request that in the event of the mining lease being forfeited a lease under this Act of the lands comprised in the lease so forfeited be granted to the complainant.

Part II. to  
apply to  
applications  
for forfeiture.

1352, 1918,  
s. 22.

Duty of  
warden to  
report to  
Minister.

1352, 1918,  
s. 23.

**71.** The provisions of Part II. shall, so far as practicable, apply to applications for forfeiture under section 70.

**72.** If the decision of the warden is that the lease has become liable to forfeiture, he shall forward a certified copy of the evidence taken at the hearing, together with a report thereon, to the Minister, and may recommend that the lease be forfeited.

If appeal  
from warden's  
decision, cer-  
tificate as to  
result thereof  
to be for-  
warded to  
Minister.

1352, 1918,  
s. 24.

Duty of  
Minister to  
submit  
question of  
forfeiture to  
Governor.

1352, 1918,  
s. 25.

**73.** If an appeal is made from the decision of the warden, a certificate under the hand of the clerk of the appellate court stating the result of the appeal shall be forthwith forwarded to the Minister.

**74.** (1) Where no appeal is made from the decision of the warden within the time allowed by law, after considering the evidence and the report and recommendations of the warden forwarded to him as provided in section 72, the Minister shall, if he is of opinion that the lease is liable to forfeiture, submit the matter for the determination of the Governor.

(2) Where an appeal has been made from the decision of the warden, and the decision on the appeal is that the lease has become liable to forfeiture, after considering the decision and the evidence, the Minister shall, if he is of opinion that the lease is liable to forfeiture, submit the matter for the determination of the Governor.

Power of  
Governor to  
cancel mining  
lease.

1352, 1918,  
s. 26.  
1512, 1922,  
s. 27.

**75.** The Governor may cancel the said lease, and thereupon the complainant shall be entitled to a mining lease of the class requested in the plaint note of the lands comprised in the cancelled lease for the unexpired balance of the term of the lease not exceeding in any case the period of twenty-one years.

Costs.  
1352, 1918,  
s. 27.

**76.** If the warden or the appellate court orders that costs be paid by the lessee to the complainant, the said costs shall not be payable in the event of the Minister refusing to submit the question of forfeiture to the Governor, unless the Minister approves of the order for costs.

## PART V.

## PART V.

## SEARCH LICENCES.

77. The Minister may grant licences to search on any specific mineral lands not exceeding five square miles in area for any of the following minerals, namely:—

Search  
licences.  
751, 1900,  
s. 6.

- I. Precious stones:
- II. Mineral phosphates:
- III. Oil:
- IV. Rare metals, minerals, and earths, the mining for which, in the opinion of the Minister, has not been proved payable in any instance in any portion of the State.

78. A fee of twenty shillings for each square mile or portion thereof included in any licence under this Part shall be paid by the licensee to the Minister before the issue of the licence.

Fee.  
751, 1900,  
s. 7.

79. No person shall directly or indirectly hold more than five square miles of land at one time under licence under this Part.

Maximum  
area.  
751, 1900,  
s. 8.

80. Lands held under miner's right or mining lease shall be exempt from the operation of licences under this Part.

Exemption.  
751, 1900,  
s. 9.

81. Licences under this Part may be in the form in the fifth schedule, and shall be in force for twelve months from the date thereof, and shall, subject to the regulations, authorise the licensee, his assigns, servants, and workmen—

Provisions of  
licence.  
751, 1900,  
s. 10.

- (a) to search and mine the land comprised in the licence for precious stones, mineral phosphates, oil, metals, minerals, or earths, as the case may be;
- (b) to remove any material from the said land, not exceeding twenty tons in the whole, for testing purposes only.

82. Every licensee under this Part shall—

Duties of  
licensee.  
751, 1900,  
s. 11.  
1054, 1911,  
s. 5.

- (a) from the expiration of three months after the granting of the licence employ and keep constantly employed throughout the remainder of the term of the licence in searching for precious stones, mineral phosphates, oil, rare metals, minerals, or earths, on the land comprised in the licence, not

less than one man for every six hundred and forty acres, or part thereof, of land so comprised: Provided that the Minister may grant to a licensee an exemption or partial exemption from the provisions of this subdivision for any period not exceeding three months on payment of the fee prescribed by regulations to be paid on the registration of the suspension of a lease;

- (b) furnish the Minister, whenever required by him or by the regulations, with satisfactory evidence of compliance with the provisions of this section;
- (c) report to the Minister forthwith after the discovery in payable quantities of precious stones, mineral phosphates, oil, or any metal or mineral earth:

And if any licensee shall make default in complying with the provisions of this section his licence shall be forfeited.

Preferential  
right.  
751, 1900,  
s. 12.  
1852, 1918,  
s. 19.

**83.** (1) Every licensee under this Part shall, during the currency of the licence, have a preferential right—

- (a) in case of a licence to search for metals, minerals, or earths, to a mineral lease of any part, not exceeding forty acres, of the land comprised in the licence:
- (b) in case of a licence to search for mineral phosphates, to a mineral lease of any part, not exceeding one hundred acres, of the land comprised in the licence:
- (c) in case of a licence to search for oil, to an oil lease of any part, not exceeding six hundred and forty acres, of the land comprised in the licence:
- (d) in case of a licence to search for precious stones, to a precious stones claim of any area not exceeding the prescribed area.

(2) Upon the preferential right being exercised the licence shall at once cease and determine, and shall be returned by the licensee to the Minister.

Reservation  
of right to  
prospect for  
gold, silver,  
etc.  
751, 1900,  
s. 18.

**84.** No licence under this Part shall operate to prevent persons holding miners' rights from prospecting for gold, silver, lead, or copper on the lands comprised in the licence, or from acquiring thereon claims or leases for mining for the said metals.

## PART VI.

## PERMITS TO PROSPECT FOR OIL.

**85.** The Minister may grant to the holder of a miner's right a permit to prospect for oil on any specific mineral lands not exceeding twenty-five square miles in area.

Permits to search for oil.  
1866, 1928,  
s. 3.

**86.** A fee of ten shillings for each square mile or portion thereof included in any permit under this Part shall be paid by the applicant therefor to the Minister before the issue of the permit.

Fees.  
1866, 1928,  
s. 4.

**87.** No person shall, directly or indirectly, hold more than twenty-five square miles at one time under permit under this Part.

Limitation on holding of permits.  
1866, 1928,  
s. 5.

**88.** Lands held under miner's right, search licence, or mining lease shall be exempt from the operation of permits under this Part.

Exemption of certain lands.  
1866, 1928,  
s. 6.

**89.** A permit granted under this Part may, with the written consent of the Minister first had and obtained, be mortgaged, sublet, or transferred.

Power to transfer.  
1866, 1928,  
s. 7.

**90.** Permits under this Part may be in the form in the sixth schedule, and shall be in force for two years from the date thereof, and shall, subject to the regulations, authorise the holder, his assigns, servants and workmen—

Conditions of permits.  
1866, 1928,  
s. 8.

(a) to search and test the land comprised in the permit for mineral oil:

(b) to remove from the said land an amount not exceeding one thousand gallons of mineral oil, for testing purposes only.

**91.** Every holder of a permit under this Part shall—

(a) during each year of the currency of the permit carry out, or cause to be carried out, not less than one thousand feet of boring in search of mineral oil within the land comprised in the permit, or, alternatively, expend not less than one thousand pounds in searching for mineral oil within the land comprised in the permit:

Duties of holders of permits.  
1866, 1928,  
s. 9.

(b) furnish the Minister on or before the last day of each year of the currency of the permit with satis-



factory evidence of compliance with the provisions of paragraph (a) of this section:

- (c) furnish the Minister quarterly with a record of drilling operations during the preceding quarterly period:
- (d) report to the Minister forthwith after the discovery of one hundred gallons of mineral oil:

And, if the holder of any permit shall make default in complying with the provisions of this section, his permit may be cancelled forthwith.

Moneys  
expended on  
geophysical  
prospecting  
or geological  
surveying.  
1866, 1928,  
s. 10.

**92.** Any money actually expended on geophysical prospecting or geological surveying within the land comprised in a permit by methods first approved in writing by the Minister shall be deemed to be expended in fulfilment of portion or the whole of the conditions required to be fulfilled by paragraph (a) of section 91, according to the sum actually expended, provided always that—

- (a) a full copy of the report and plans dealing with the geophysical prospecting or geological surveying, as the case may be, is deposited with the Minister:
- (b) vouchers giving proof of actual expenditure on this work are exhibited at the Department of Mines.

Preferential  
right to oil  
lease.  
1866, 1928,  
s. 11.

**93.** (1) Every holder of a permit under this Part shall, during the currency of the permit, have a preferential right to an oil lease of any part, not exceeding six hundred and forty acres in area, of the land comprised in the permit.

(2) Upon the exercise of the preferential right the permit shall at once cease and determine, and shall be returned by the holder thereof to the Minister.

(3) When one thousand gallons of mineral oil have been produced from the land comprised in a permit the holder thereof shall exercise his preferential right to an oil lease within thirty days after receiving notice in writing from the Minister so to do. If the said right is not exercised as aforesaid within the said time, the Minister may cancel the permit forthwith.

Preferential  
right to  
renewal of  
permit.  
1866, 1928,  
s. 12.

**94.** Every holder of a permit under this Part who has given satisfactory evidence of full compliance with the conditions thereof, shall, on the expiration of the permit, have a preferential right to another permit for the same area on the same conditions.

## PART VI.

95. (1) The provisions of section 8 shall apply to any lands comprised within any permit under this Part.

Application of  
section 8.  
1866, 1928,  
s. 13.

(2) The work prescribed in fulfilment of the conditions of this Part shall not be performed within one hundred and fifty yards of any borehole, well, reservoir, dam, dwelling-house, factory, or building unless full compensation therefor, determined in the manner provided in the said section, has first been paid to the owner.

## PART VII.

## PART VII.

## DREDGING LEASES.

96. The Minister may grant to the holder of a miner's right a dredging lease, for the purpose of dredging for gold, of any mineral lands certified by a warden to be worked-out lands, or of any other mineral lands certified by a warden to be too poor for profitable working in alluvial or reefing claims.

Dredging  
leases.  
881, 1905,  
s. 3.

97. A plan of the said lands shall be lodged with the warden within three months of the date of the grant of the lease.

Plan to be  
lodged with  
warden.  
881, 1905,  
s. 4.

98. Every dredging lease shall be for a term of ten years, and shall reserve a rental of one shilling per acre, payable yearly in advance, and may be granted in respect of an area of not exceeding two hundred acres, and shall contain a right of renewal for a term not exceeding ten years, on such conditions as may be approved by the Minister: Provided that in no case where any such renewal is granted shall the rental exceed five shillings per acre.

Term, rent,  
and area.  
881, 1905,  
s. 5.

99. Every dredging lease shall contain the following covenants by the lessee:—

Covenants and  
conditions.  
881, 1905,  
s. 6.

- I. That he will pay the rent reserved by the lease as and when the same shall become due:
- II. That he will not, without the permission in writing of the Minister, use the leased lands for any other purpose than that authorised by the lease:
- III. That he will, during the term of the lease, after the first six months, keep continuously employed in dredging for gold upon the leased lands not less than one man for every ten acres of the said lands,

or in the alternative will keep so continuously employed, fully manned, machinery of a value of not less than one thousand pounds for every fifty acres of land in the lease; and that he will, whenever required by the Minister, furnish him with satisfactory evidence that the said number of men have been and are so employed or, as the case may be, that the said machinery has been and is so employed:

- iv. That he will, yearly, on such dates as shall be fixed in the lease, furnish statements of all expenses incurred in dredging for gold and of all proceeds derived from such dredging:

And shall contain—

- (a) such reservations and such other covenants and conditions as may be prescribed by regulations under this Act; and
- (b) a proviso that the lease shall be liable to forfeiture on breach of or non-compliance with any covenant or condition in the lease.

Applications  
for leases.  
881, 1905,  
s. 7.

**100.** Applications for dredging leases shall be made to the Minister, and shall be accompanied by the first year's rent, and shall be considered in order of priority. In the event of simultaneous applications, the order of priority shall be decided by lot.

Right of  
lessees to  
surrender and  
obtain new  
leases here-  
under.  
881, 1905,  
s. 11.

**101.** The lessee of a gold or mineral lease or leases of contiguous land may, with the consent of the Minister, and, subject to the regulations, at any time during the currency of the said lease or leases, upon proof to the satisfaction of the Minister of the due performance and observance by him of all covenants and conditions in the said lease or leases, surrender the said lease or leases and obtain a dredging lease under this Part of the area surrendered.

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## PART VIII.

## PART VIII.

## DRAINAGE FROM MINES.

**102.** The Governor may by proclamation resume possession of any lands comprised in a claim or mining lease, which shall be required for the purpose of constructing drainage works under this Act, saving, nevertheless, the rights of the lessees or holders of the lands in respect of mining under the surface.

Power of Governor to resume lands for drainage purposes.  
587, 1893,  
s. 82.

**103.** The Governor may by proclamation constitute any drainage district for the purposes of this Part, and define the boundaries thereof, and vary or alter the said boundaries, and withdraw from the operation of this Part any lands included within a proclaimed district. No drainage district shall be proclaimed until a report shall have been received from an inspector, stating that, in his opinion, all the land proposed to be included therein ought, from its natural conformation, to be so included.

Power of Governor to proclaim districts.  
587, 1893,  
s. 83.

**104.** The Governor may grant licences to any person for the occupation of lands resumed as aforesaid, and of any mineral lands within a drainage district, for any term not exceeding twenty-one years, for the purpose of constructing works for the drainage of mines, and for conveying away the water to be raised therefrom on and through the resumed land, and on and through any Crown or mineral lands.

Power of Governor to grant licences for drainage purposes.  
587, 1893,  
s. 84.  
Amended by  
2004, 1931,  
s. 10.

**105.** (1) Any person holding a licence as aforesaid may, upon giving the prescribed notice (if any), enter upon and construct drainage works as aforesaid on, under, over, through, or across any railway and lands used for the purposes of any railway, and any road, doing no unnecessary damage, and making compensation for any damage to be done or occasioned thereby.

Power to cross roads and railways.  
587, 1893,  
s. 85.

(2) The Compulsory Acquisition of Land Act, 1925, is incorporated with this Act.

**106.** Every such licence shall contain a description of the works to be undertaken and completed, and clauses and stipulations for the protection of the interests of the public.

Contents of licence.  
587, 1893,  
s. 86.

**107.** Any person may lead water into any drains constructed under any such licence, upon payment of such a sum as may be agreed upon between the parties, or, as may,

Rights to use drains.  
587, 1893,  
s. 87.

in case of disagreement, be fixed by arbitration, and the person or company holding the licence, and any person desiring to lead water into the said drains, shall be deemed parties to a submission to such arbitration.

Licences to be  
numbered.  
587, 1893,  
s. 88.

**108.** (1) Licences granted under this Part shall be numbered consecutively, and as soon as the works by any licence authorised to be executed are complete and ready for use a proclamation shall be made assigning a number to the works, which shall be called a public drainage works, and distinguished by the said number.

(2) The proclamation shall specify the area of the lands the water from which is intended to be drained into the public drainage work specified in the proclamation. The Governor may, by proclamation, withdraw any lands within the said area from the operation of the first-mentioned proclamation, but may, notwithstanding the said withdrawal, grant a licence under section 104 in relation to the lands so withdrawn.

(3) No person shall, after one month's notice in writing given to him of the completion of the drainage works referred to in any proclamation under subsection (1) of this section, permit or suffer any water pumped or raised from lands comprised in the area specified in the proclamation to flow out, over, along, or across, or to remain on lands comprised in the said area, so as in the opinion of an inspector to impede or injure the working of any neighbouring mine.

(4) Any person not complying with subsection (3) of this section within thirty days after notice to him of the said opinion of the inspector shall forfeit and pay to the person or company working the public drainage work mentioned in the said proclamation the sum of five pounds for every day on which the said non-compliance shall continue after the notice as last aforesaid, but the liability to the said penalty shall not prejudice or affect any right of action of the said person or company, or any other person, for damages occasioned by the said non-compliance.

#### PART IX.

#### PART IX.

#### ENCOURAGEMENT OF MINING.

Rewards to  
discoverers.  
587, 1893,  
s. 89.

**109.** The Minister, out of any moneys which are appropriated by Parliament for the purpose, shall cause to be paid to the future actual discoverer of any new mineral district, or of any new and valuable deposit of metals, minerals, coal, or oil, such reward as may be prescribed.

## PART IX.

**110.** (1) The Minister, out of any moneys which are appropriated by Parliament for the purpose, may subsidise and assist persons engaged in deep sinking or otherwise prospecting or mining, and either directly or by loan of diamond drills or other machinery, or by advance of money.

(2) Any money received by way of subsidy under this section shall be a debt due to the Crown, and shall be repaid as may be prescribed.

(3) No subsidy aforesaid shall be granted unless the same be recommended by the Government Geologist or Inspector of Mines.

**111.** The Minister, out of any moneys which are appropriated by Parliament for the purpose, may purchase and obtain plant suitable for boring for prospecting purposes, and may let the said plant to persons applying for the use thereof upon terms to be prescribed.

Subsidies.  
587, 1893,  
s. 90.

Boring plant.  
587, 1893,  
s. 91.

## PART X.

## MISCELLANEOUS.

## PART X.

**112.** When payable gold is struck, or metals, precious stones, minerals, coal, oil, salt, or gypsum are found in payable quantities on any claim or mining lease the matter shall be reported to a warden in manner prescribed, and if default shall be made in compliance with this section, the claim or lease shall be liable to forfeiture.

Report of payable results.  
587, 1893,  
s. 94.  
1852, 1918,  
s. 17.  
1512, 1922,  
s. 18.

**113.** (1) Every holder of a claim or mining lease, other than an alluvial claim, shall, half-yearly, in the months of January and July, furnish to the warden of the district in which the mining claim or lease is situated a full and true return, showing the quantity of stone or ore treated, and the quantity of gold or other metals, and precious stones, minerals, coal, oil, salt, or gypsum taken from the claim or lease during the preceding half-year, and if default shall be made in compliance with the provisions of this section shall be liable to a penalty not exceeding ten pounds for every such default

Duty of claim-holders and leaseholders to furnish half-yearly returns.  
587, 1893,  
s. 95.  
1512, 1922,  
s. 19.

(2) Whilst the holder of any claim or mining lease makes default in compliance with the provisions of this section, the provisions of this Act with respect to the suspension of the prescribed conditions as to working any claim, the remission

of any of the covenants and conditions contained in any lease, the extension of the period for performance of the said conditions, and the amalgamation of claims or leases, shall not apply in respect of the said claim or lease.

Renewal  
of leases.  
1852, 1918,  
s. 28.

**114.** (1) The holder of any mining lease, other than a special mining lease, shall, on due performance and observance of the covenants, conditions, and provisos of the lease, be entitled to a renewal from time to time of the lease for any period at each renewal not exceeding twenty-one years from the expiration of the lease or any renewal thereof.

(2) The application for renewal shall be made in the manner and at the time prescribed.

(3) Every lease so renewed shall be at the rent for the time being chargeable by law in respect of leases of the same class of the lease so renewed and shall be subject to the covenants, conditions, and provisos prescribed by any Act or regulations for the time being in force relating to leases of the same class as the lease so renewed.

Royalties  
payable under  
leases to be  
calculated  
yearly.  
1512, 1922,  
s. 28.

**115.** The amount payable under any mining lease by reason of the reservation, in addition to the rent, of any further sum on the net profits obtained from the occupation and working of the land comprised in the lease or of the mines thereon or from the sale of the products obtained from the land shall, in accordance with the regulations, be calculated on the basis of the said net profits for every period of twelve months.

Power of  
Minister to  
remit  
covenants.  
587, 1893,  
s. 96.

**116.** (1) The Minister may, at any time before breach thereof suspend or wholly or partially remit all or any of the covenants and conditions contained in any mining lease, in any case where he is satisfied that by reason of special circumstances it would be impossible to comply with, or would inflict great hardship upon the lessee to enforce the covenants or conditions.

(2) A return of all such remissions, with the reasons therefor, shall be annually laid before Parliament within one month after the opening of Parliament for the dispatch of business.

Partial  
suspension of  
leases, etc., on  
proclamation  
of mineral  
lands, &c.  
587, 1893,  
s. 97.

**117.** The Governor may—

- (a) when lands have been proclaimed as mineral lands:
- (b) when a goldfield has been proclaimed upon mineral lands:

(c) when a mining lease has been granted or a claim pegged out under this Act,

suspend or cancel any lease or licence in respect of the mineral land comprised in the proclamation, or in the mining lease, or the claim, subject to the conditions as to resumption contained in such lease or licence, or upon payment of such compensation as may be agreed upon between the Minister and the lessee or licensee, or as may, in case of dispute, be determined by arbitration. The Minister and the lessee or licensee shall be deemed parties to a submission to the arbitration. Upon suspension or cancellation of the lease or licence the Minister shall remit to the lessee or licensee a fair proportion of the rent or other consideration for the lease or licence.

**118.** Notwithstanding the existence of any mining lease or claim other than a gold claim every pastoral lessee of the area included in the lease or claim shall retain a right of access and user for domestic purposes, and for the purposes of watering stock, to and of any surface water on the area which shall not have been provided or stored by artificial means by the mining lessee or by the owner of the claim.

Reservation  
of rights to  
surface  
waters.  
587, 1893,  
s. 98.

**119.** The Minister may, subject to regulations, allow one or more lessees of contiguous lands held under a mining lease or leases to surrender the lease or leases and obtain one or more leases of the same nature of the lands included therein, or any part thereof, but no such lease shall include an area greater than that heretofore specified with regard to a lease of the same nature.

Amalgamation  
of leases.  
587, 1893,  
s. 99.

**120.** (1) The Minister may, subject to the regulations, permit the amalgamation by any lessee of any number of contiguous gold leases held by him, of any number of contiguous mineral leases held by him, of any number of contiguous coal or oil leases held by him, or of any number of contiguous miscellaneous leases of the same nature held by him. Every such permission shall continue for such period (not longer than two years) as is fixed by the Minister, and permission as aforesaid may be given from time to time.

Amalgamation  
of working  
conditions  
of leases.  
1512, 1922,  
s. 20,  
1927, 1929,  
s. 5.

(2) While the amalgamation of any leases is permitted by the Minister as aforesaid, the labour conditions of every lease so amalgamated shall be deemed to be observed and complied with by the lessee if, for the period prescribed by the lease in respect of the said labour conditions, the number of men, or the aggregate labour, employed in mining or prospecting on any part of the land comprised in any of the said leases



is equal to the aggregate number of men, or the aggregate labour, required by the leases so amalgamated to be employed in mining or prospecting for the same period.

(3) The Minister may, for any breach of the conditions of any mining lease, cancel his permission to amalgamate any leases, and upon the giving of notice of the cancellation to the lessee, the permission to amalgamate shall immediately cease and determine.

Survey.  
587, 1893,  
s. 100.  
1512, 1922,  
s. 21.

**121.** No survey shall be required of the area included in any claim, licence, or lease unless and until a warden shall be satisfied that a survey is necessary for the prevention of differences as to the boundaries of the land, or for securing a proper definition of the area; and provision shall be made by the regulations for the making of surveys at a reasonable cost.

Power to  
surrender  
lease.  
587, 1893,  
s. 101.

**122.** A lessee may, subject to the regulations, surrender a mining lease.

Rights of  
surrender  
subject to  
other  
rights.  
587, 1893,  
s. 102.

**123.** All rights of surrender conferred by this Act are subject to the rights of persons claiming from or under the lessee.

Recovery  
of rent.  
587, 1893,  
s. 103.

**124.** The rent reserved by any mining lease may be levied or recovered by or under the authority of the Minister, in like manner as rent is or shall be leviable or recoverable by law in cases where His Majesty's subjects only are concerned; and, in case the rent is levied by distress, an order under the hand of the Minister shall be a sufficient warrant and authority to distrain. This section shall not affect any other remedy for the recovery of the rent.

Penalties on  
non-payment  
of rent.  
587, 1893,  
s. 104.

**125.** If the rent or any other sum payable under a mining lease is not paid on or before the day appointed for payment thereof, a penalty of five per centum shall be added to the rent, and if the said rent or sum be not paid within one month after the said day, together with the said penalty, a further penalty of ten per centum shall be added; and if the rent and penalties be not paid within one month after the said first month, the same shall be recoverable by the Minister by action in his own name in any court of competent jurisdiction.

**126.** (1) In every case where the rent of land held under a mining lease is unpaid for more than three months after the day on which the rent is payable under the lease, the Governor may cancel the lease, and the Minister shall thereupon insert a notice in the *Government Gazette* declaring the lease to be forfeited.

Forfeiture of  
lease.  
587, 1893,  
s. 105.  
1512, 1922,  
s. 22.

(2) In every case where the Minister has reason to believe that there has been a breach of any of the covenants or conditions contained in any lease, except in the case of non-payment of the rent as aforesaid, and except in cases of non-compliance with the labour conditions of any leases, the Minister shall give written notice to the lessee specifying the covenants or conditions which he has reason to believe are not being complied with, and notifying him that the lease will be liable to forfeiture at the expiration of one month from the date of the notice, unless in the meantime the said covenants and conditions are duly complied with; and if at the expiration of the notice the said covenants or conditions are still not being complied with by the lessee, the Governor may cancel the lease, and the Minister shall thereupon insert a notice in the *Government Gazette* declaring the lease to be forfeited.

(3) In case of non-payment of rent or the non-compliance with the labour conditions, the Governor may exercise the power of cancellation without giving the written notice hereinbefore mentioned.

(4) If a breach of any covenant or condition contained in any lease is committed by the lessee, the lease may be cancelled by the Governor notwithstanding that the rent payable under the lease for the period during which the breach is committed may have been paid and notwithstanding any implied waiver of the breach by the lessor.

(5) Every notice as aforesaid shall be conclusive evidence that the lease therein mentioned was legally cancelled and forfeited, and the land included therein may be dealt with as if the lease had never been granted; and the Registrar-General shall, at the request of the Minister, make the entries in the register book necessary to give effect to the cancellation and forfeiture.

**127.** (1) Whenever a mining lease is liable to forfeiture, and in the opinion of the Minister a less penalty than forfeiture would meet the justice of the case, the Minister may extend the period during which the lessee may perform the conditions of his lease, for such time and subject to such terms and conditions as the Minister may think fit; and the

Extension  
after breach.  
587, 1893,  
s. 106.  
1512, 1922,  
s. 23.

terms and conditions so imposed by the Minister shall bind the lessee and all transferees, mortgagees, assignees, and other persons claiming through or under him, and the lease shall thereafter be construed as if the said terms and conditions were inserted therein.

(2) The Minister shall advertise the said extension in the *Government Gazette* with his reasons for granting the same.

(3) This section shall not apply in respect of any lease in respect of which a plaint note praying for the forfeiture of the lease has been lodged under section 70, but has not been finally disposed of under the provisions of Part IV.

Power of  
Minister to  
authorise  
exploration.  
587, 1893,  
s. 107.

**128.** (1) In any case in which the Minister thinks fit, the Minister by licence may, for the purpose of tracing any lode, vein, or gutter from any land held under claim or mining lease into any adjoining land, authorise any person to remove any earth, rock, or ore from the said adjoining land, and to do any other work necessary for the said purpose.

(2) The person authorised as aforesaid may after giving a fortnight's notice to the owner or lessee of the said adjoining land, remove the earth, rock, or ore and carry out the work as authorised by the licence, but no such removal or work shall be carried out which interferes with any mining operations of the said owner or lessee on the said land or any other land.

(3) Nothing in this section or done pursuant to this section shall deprive the owner or lessee aforesaid of any gold, mineral, or coal which may be won from his land by reason of anything done pursuant to a licence granted under this section.

(4) The licensee shall, in addition, pay to the owner or lessee aforesaid compensation for any damage occasioned by the exercise of the powers conferred upon the licensee pursuant to this section, and also a fair rent for the use of the said powers, the amount of the compensation and rent in case of difference to be fixed by a warden.

Right of  
owner to  
remove plant.  
587, 1893,  
s. 110,  
1512, 1922,  
s. 24.

**129.** (1) The owner of any machinery on any forfeited or surrendered lease or claim may, at any time within three months from the date of forfeiture or surrender, remove therefrom any plant, machinery, engines, or tools, but shall not remove or interfere with any timber in any mine.

(2) If any person removes or causes to be removed from any such forfeited or surrendered lease or claim any timber in any mine, he shall be liable to a penalty of not less than five pounds nor more than one hundred pounds.

**130.** (1) No person under the age of sixteen years shall hold, directly or otherwise, a mining lease, business or occupation licence, or miner's right, except in a representative capacity.

Disability of persons under sixteen to hold mining lease, &c.  
587, 1893,  
s. 111.

(2) All covenants and conditions contained in or imposed by a mining lease or a licence granted to an infant of the age of sixteen years or upwards shall be as binding upon him as if he were of full age.

**131.** Every arbitration in pursuance of this Act shall be under the Arbitration Act, 1891, and the parties to the submission shall, for the purposes of the arbitration and of the last mentioned Act, be deemed to have entered into a written agreement to submit the differences in respect of the matter in question to the arbitration of two arbitrators, one to be appointed by each party, and the Arbitration Act, 1891, shall apply accordingly.

Arbitration.  
587, 1893,  
s. 112.

**132.** The lessee under a mining lease granted under any enactment in force before the twenty-eighth day of February, eighteen hundred and ninety-four, shall have the following rights, powers, and privileges:—

Rights under certain mining leases.  
587, 1893,  
s. 117.

- i. He may continue to hold the lease, and hold and enjoy the land comprised therein, subject only to the covenants and conditions contained in or imposed by the lease or the enactment by virtue whereof the same was granted to him, and to paragraph iii. of this section:
- ii. He may with the consent of the Minister, subject to the regulations, at any time during the currency of the lease upon proof, to the satisfaction of the Minister of the due performance and observance by him of all the covenants and conditions in the lease, surrender the lease and obtain a lease under this Act of a similar nature to that of the surrendered lease, and for the term of forty-two years less the expired term of his existing lease:
- iii. Notwithstanding anything in paragraph i. of this section, no renewal of any such lease shall be granted under any enactment in force before the twenty-eighth day of February, eighteen hundred and ninety-four, but any lessee having a right of renewal under any such enactment may obtain a lease of a similar nature under this Act and upon similar terms and conditions as if the first mentioned lease had been a lease of a similar nature under this Act.

## PART X.

Unauthorised  
mining.  
587, 1893,  
s. 118.

**133.** Any person who prospects or mines shall, unless he is authorised so to do by virtue of this Act or any of the repealed Acts, be liable to pay for every such offence a penalty not exceeding one pound for every day on which he so prospects or mines.

Penalty for  
unauthorised  
occupation.  
587, 1893,  
s. 119.

**134.** Any person who occupies mineral lands for the purpose of business or residence, except as legally authorised, shall be liable to a penalty not exceeding five pounds for the first offence, and to a penalty of not less than five pounds nor more than ten pounds for every subsequent offence.

Forgery.  
587, 1893,  
s. 121.

**135.** (1) Any person who forges a miner's right, business licence, occupation licence, or lease, issued or purporting to be issued under the authority of this Act or any of the repealed Acts, or fraudulently uses, utters, or exhibits any such forged miner's right, business licence, occupation licence, or lease, knowing the same to be forged, or fraudulently personates the holder of any such miner's right, business licence, occupation licence, or lease, shall be guilty of felony, and shall be liable to be imprisoned for any term not exceeding ten years.

(2) Any person who fraudulently uses or exhibits as his own any such miner's right, business licence, occupation licence, or lease, belonging or granted to any other person, or uses or exhibits as a valid miner's right, business licence, occupation licence, or lease, any miner's right, business licence, occupation licence, or lease, which has expired, shall be guilty of a misdemeanour, and shall be liable to be imprisoned for any term not exceeding two years.

Obstructing  
officer.  
587, 1893,  
s. 122.

**136.** Any person who wilfully obstructs, hinders, assaults, or resists a warden or inspector, or a person duly authorised by a warden or inspector, or a person authorised by this Act to exercise any right or power or execute any duty, or who wilfully disobeys a warden's order other than an order for the payment of money, or is guilty of contempt of a warden acting in a judicial capacity, shall be liable to a penalty not exceeding fifty pounds, or to be imprisoned for any period not exceeding six months.

Infringement  
of Act or  
regulation.  
587, 1893,  
s. 123.

**137.** Any person who infringes a provision of this Act or the regulations, for the infringement whereof no penalty is prescribed, shall be liable for every such offence to a penalty not exceeding ten pounds.

**138.** (1) In any action, suit, or proceeding under this Act the averment that any lands are Crown lands, mineral lands, dedicated lands, reserved lands, or lands belonging to or vested in the Crown, or that any person is an inspector of mines, warden, mining registrar, or other person authorised to take any proceedings or perform any duty under this Act, shall be sufficient without proof of that fact, unless the defendant proves the contrary.

Onus of proof.  
587, 1893,  
s. 125.

(2) If any question arises as to the authority of the defendant to do the act complained of, the proof thereof shall lie upon the defendant.

(3) Judicial notice shall, in every such action, suit, or proceeding, be taken of all miners' rights, mining leases, licences, certificates, maps, plans, and office copies purporting to be signed by any person authorised by this Act to sign the same.

**139.** (1) All proceedings for offences against this Act or any regulation (other than proceedings under section 135), and which are not within the jurisdiction of a warden under Part II., shall be disposed of summarily.

Proceedings  
for recovery  
of penalty.  
587, 1893,  
s. 126.

(2) In every case of the adjudication of a fine or pecuniary penalty or amends under this Act, or any regulation, by a court of summary jurisdiction, or a warden, and of non-payment thereof, any justice may commit the offender or person making default in payment to any gaol in the State for a term not exceeding twelve months, the imprisonment to cease on payment of the sum due, and any costs which may have been awarded, and of the costs of the proceedings taken under this section, which latter costs the justice shall have power to assess.

**140.** The *Government Gazette* in which is published any proclamation, regulation, or notification under this Act, shall be *prima facie* evidence of the matters therein appearing.

*Government  
Gazette  
evidence.*  
587, 1893,  
s. 130.

PART XI.

## PART XI.

## REGULATIONS.

Power of  
Governor to  
make regula-  
tions.

587, 1893,  
s. 92.  
881, 1905,  
s. 8.  
1352, 1918,  
s. 16.  
1444, 1920,  
s. 3.  
1866, 1928,  
s. 14.

**141.** In addition to any power by this Act conferred on the Governor to make regulations as to any special matter (which power shall in every case be implied for the purposes of any section in this Act in which regulations are referred to, or in which the word "prescribed" is used), the Governor may, subject to the provisions of this Act, make regulations, either of general or limited application. The said regulations may be for any of the purposes following:—

- i. For prescribing the terms and conditions upon which miners' rights, business licences, and occupation licences shall be granted, and the modes, times, and places of issue thereof:
- ii. For prescribing the mode of transferring or assigning any lease or miner's right, or business licence or occupation licence, or any claim, and for prohibiting any such transfer or assignment, and regulating the form thereof and the fees to be paid therefor:
- iii. For determining the dimensions, boundaries, shapes, and position of any gold claim, or class of gold claims, and the subsequent adjustment of the same where necessary; when such determination shall be deemed to take effect; and the number, extent, and classes of gold claims, which any one person or any two or more persons in conjunction may take possession of under a miner's right, or miners' rights:
- iv. For regulating the cutting, constructing, use, and maintenance of races, dams, and reservoirs upon Crown lands or mineral lands, or upon claims or lands held under mining leases under this or any other Act:
- v. For prescribing the manner in which, and with what incident rights and obligations, and subject to what liabilities as to forfeiture and otherwise, any claim or class of claims, business or residence areas, race, dam, or reservoir, or any water taken or diverted by virtue of a miner's right, shall be taken possession of, held, occupied, used, worked, or transferred:

- vi. For determining the order of priority among the holders of miners' rights, entitled to the use of any water; how such priority is to be regulated, and under what conditions and circumstances:
- vii. For prescribing the mode of registration of land occupied under this Act for residence or business, or of any claim, race, dam, reservoir, or easement enjoyed under a miner's right, or any share or interest therein or encumbrance thereon; and the mode of registration of the transfer or assignment of any such land, claim, race, dam, reservoir, or easement, or of any share or interest therein or encumbrance thereon, or of the discharge of any such encumbrance; and the mode of registration of the devolution of any such share or interest; or of the sale of any such share or interest under the decree, judgment, or order of any court, or the decision of a warden; and the mode of registration of amalgamated claims, and of claims for suspension of work, and for fixing the fees to be charged on any such registration:
- viii. For enforcing and regulating the drainage of claims and of lands held under mining leases whether granted before or after the passing of this Act:
- ix. For regulating the mode in which the rights and privileges of the owners of claims, and of races, dams, reservoirs, and easements under a miner's right, and of land occupied under this Act for residence or business, may be exercised or enjoyed, and limiting, qualifying, or restricting the exercise and enjoyment of such rights and privileges; and generally for the protection of such owners in the exercise and enjoyment of the rights, privileges, and interests conferred by this Act:
- x. For providing for specially-sized claims to be pegged out under the prescribed sanction by the discoverer of payable gold on the reporting by him of such discovery in the prescribed manner:
- xi. For preventing the accumulation, and for the removal to some convenient place, of sludge, tailings, and other refuse matter oozing or flowing from or connected with any land held or occupied under this Act, and of waste water; and for the making of channels for any of the purposes aforesaid; and for otherwise regulating, as between claims, such oozing, flowing, and running to waste:



- xii. For the protection from injury, destruction, and unlawful removal of races, drains, dams, and reservoirs used or enjoyed under miners' rights, and of the water therein, and of pegs, posts, fences, and notices, and of plant or appliances used for or in connection with mining, and for the protection from obstruction of such races and dams, and of channels, drains, creeks, and rivers used for mining purposes:
- xiii. For regulating the mode of construction and the materials used in the construction, and the strength of embankments of dams and reservoirs used or to be constructed by virtue of a miner's right:
- xiv. For the construction and keeping in repair of suitable bridges or other crossings over races, channels, or drains used for mining purposes cut across roads or thoroughfares, or over such races, channels, or drains over which roads or thoroughfares shall be carried, and for making proper approaches to such bridges or crossings, and for determining the width of such bridges, crossings, and approaches:
- xv. For making and keeping in repair and for regulating the width and formation of private ways and passages used for mining purposes over claims or races, or any lands used in connection with mining under this Act, or business carried on under business licences, and for regulating and imposing conditions on the right to change the direction of any such way or passage, and for the protection of the same from injury or obstruction by the leaving of felled or fallen timber or other obstruction, or any waste or injurious matter thereon:
- xvi. For the prevention of nuisances in and about residences or places of business held under a miner's right or business or occupation licence, and for cleansing and keeping clean the same:
- xvii. For preventing the defiling or wasting of water used for domestic purposes, and for determining whether any and what waterhole, spring, or other depository of water shall be reserved for domestic use, and the mode of such reservation:

- xviii. For compelling contributions by parties benefited of a fair share of the cost of pumping in cases where pumping in one mine benefits other mines:
- xix. For fixing fees, prescribing forms, regulating registration and otherwise fully and effectually carrying out and giving force and effect to the various objects, purposes, powers, and authorities of this Act, and guarding against evasions and violations thereof:
- xx. For prescribing the duties and powers of wardens, inspectors, mining registrars, and other officers to be appointed under this Act:
- xxi. For fixing the minimum number of men to be employed in mining under a mineral lease and the periods during which such men shall be so employed, either in relation to mining for all minerals or any particular kind of mineral or minerals:
- xxii. For carrying out the provisions of Part VI.:
- xxiii. For prescribing forms under Part VII.:
- xxiv. For prescribing the reservations, covenants, and conditions to be inserted in dredging leases:
- xxv. For prescribing the procedure for the forfeiture of dredging leases:
- xxvi. For imposing penalties for breaches of the regulations not exceeding one hundred pounds for any one offence:

General words in this section shall not be limited or controlled by particular words.

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## SCHEDULES.

## THE FIRST SCHEDULE.

## ACTS REPEALED.

| Reference to Act.          | Title.                                  |
|----------------------------|---|
| No. 587 of 1893 . . . . .  | The Mining Act, 1893.                   |
| No. 618 of 1895 . . . . .  | The Mining Act Amendment Act, 1895.     |
| No. 751 of 1900 . . . . .  | The Mining Act Amendment Act, 1900.     |
| No. 881 of 1905 . . . . .  | The Gold Dredging Act, 1905.            |
| No. 1054 of 1911 . . . . . | The Mining Act Amendment Act, 1911.     |
| No. 1352 of 1918 . . . . . | Mining Act Further Amendment Act, 1918. |
| No. 1512 of 1922 . . . . . | Mining Act Further Amendment Act, 1922. |
| No. 1866 of 1928 . . . . . | Mining (Prospecting for Oil) Act, 1928. |
| No. 1927 of 1929 . . . . . | Mining Act Amendment Act, 1929.         |

587, 1893,  
Schedule B.

## THE SECOND SCHEDULE.

South [Royal Arms] Australia.

*Miner's Right.*

No. \_\_\_\_\_ Date \_\_\_\_\_  
 Issued at the mining office for the district of \_\_\_\_\_ to A.B., of [residence  
*and occupation*] under the provisions of the Mining Act, 1930.  
 To be in force until the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_ .  
 Fee paid. \_\_\_\_\_ C. D.,  
 Mining Registrar for the District of \_\_\_\_\_

587, 1893,  
Schedule C.

## THE THIRD SCHEDULE.

South [Royal Arms] Australia.

*Business Licence.*

No. \_\_\_\_\_ Date \_\_\_\_\_  
 Issued at the mining office for the district of \_\_\_\_\_ to A.B., of [residence  
*and occupation*], under the provisions of the Mining Act, 1930.  
 To be in force until the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_ .  
 Fee paid. \_\_\_\_\_ C. D.,  
 Mining Registrar for the District of \_\_\_\_\_

587, 1893,  
Schedule D.

## THE FOURTH SCHEDULE.

## No. 1.

South [Royal Arms] Australia.

Mining Act, 1930.

To C.D., Esquire, warden.

A. B., of \_\_\_\_\_, complains of E. F., of \_\_\_\_\_, and says—

1. That, &amp;c.

2. That, &amp;c.

[Set forth the subject-matter of complaint in paragraphs.]

The complainant therefore prays [set forth relief sought], or such other or  
 further relief as shall be just. The amount sought to be recovered, so far as the  
 demand is pecuniary, is £ \_\_\_\_\_

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_ .

A.B.

No. 2.

South [Royal Arms] Australia.

Mining Act, 1930.

Plaint No.

To [insert names of all the defendants] of

You are hereby summoned to appear before me, or some other warden, at  
 , on the                      day of                      19                      , at                      o'clock  
 in the                      noon precisely, to answer the complaint of [insert names, addresses, and  
*occupations of all the complainants*], by which complaint he seeks [here insert  
*nature of complaint.*]

You may have a summons to compel the attendance of any witness, or for the  
 production of any books or documents, by applying at my office.

Bring this summons with you when you come to my office.

Given under my hand, this                      day of

 , 19  
 C. D., Warden.

## THE FIFTH SCHEDULE.

South [Royal Arms] Australia.

 751, 1900,  
 Second  
 Schedule.

FORM OF LICENCE TO SEARCH FOR [set out precious stones, mineral phosphates, or  
*oil, as the case may be.*]

Pursuant to the Mining Act, 1930, I hereby grant to [set out name in full, address,  
*and occupation of the licensee*] licence and authority to search and mine the  
 mineral lands, being [describe land sufficiently to identify it], containing [set out  
*area of land in square miles or acres*], for [set out precious stones, mineral phos-  
*phates, or oil, as the case may be*], subject to the provisions of the said Act and  
 the Mining Regulations for the time being in force, so far as the same are  
 applicable. This licence is to remain in force for twelve calendar months from the  
 date hereof, unless forfeited or determined in the meantime.

Dated the                      day of                      , 19                      .

, Minister of Mines.

Fee, £                      , paid.

## THE SIXTH SCHEDULE.

South [Royal Arms] Australia.

 1866, 1928,  
 The Schedule.
*Form of Permit to Prospect for Oil.*

Pursuant to the Mining Act, 1930, I hereby grant to [set out name in full,  
*address, and occupation of the holder of the permit*], permission and authority to  
 search and prospect the mineral lands being situated [describe land sufficiently  
*to identify it*], as shown in the plan herewith and containing [set out area of  
*land in square miles*], for mineral oil, subject to the provisions of the said Act  
 and the Mining Regulations for the time being in force, so far as the same are  
 applicable. This permit is to remain in force for two years from the date hereof,  
 unless forfeited or determined in the meantime.

Dated the                      day of

 , 19  
 Minister of Mines.

Fee, £                      paid.

### Regulations.

The following regulations were in force under this Act on 24th May, 1937:—

*Gazette*—22nd March, 1934, p. 859 (Part V. disallowed

*Gazette*—25th October, 1934, p. 849).

24th January, 1936, p. 268.

30th January, 1936, p. 270.

14th May, 1936, p. 1002.

24th September, 1936, p. 626.

17th December, 1936, p. 1282.