

No. XX.

MINING.

An Act to authorize the search for minerals on lands sold conditionally or otherwise, or leased conditionally, and to cancel the sale or lease of such lands when they are found to contain minerals, and for the purpose of mining upon such lands after cancellation of the sale or lease, and for other purposes connected therewith.
[30th September, 1889.]

Preamble.

WHEREAS under the provisions of the Act forty-eighth Victoria number eighteen, all minerals are reserved in Crown grants: And whereas it is expedient to make provision for entry upon lands sold conditionally, or by auction, or otherwise, or leased conditionally, and for the cancellation of any sale or lease of land upon which minerals shall be found, and for mining upon such lands after cancellation of the sale

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sale or lease: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. In this Act, unless the context necessarily requires a different Interpretation meaning, the expression—

“Board or Land Board” means the Local Land Board of any Land District proclaimed under the “Crown Lands Act of 1884,” or any Act or Acts amending the same.

“Minerals” means and includes coal, kerosene shale, and any of the following metals, or any ore containing the same, viz.,— Gold, silver, copper, tin, iron, antimony, cinnabar, galena, nickel, cobalt, platinum, bismuth, and manganese, and any other substance which may from time to time be declared a mineral within the meaning of this Act by proclamation of the Governor published in the *Gazette*.

“Minister” means the Minister for Mines or other Minister charged with the administration of this Act.

“Prescribed” means prescribed by this Act or by any regulation made thereunder.

“Governor” means the Governor with the advice of the Executive Council.

2. Any Crown Land which, after the commencement of this Act, shall be sold conditionally or by auction or in virtue of improvements or otherwise, and any Crown Land which has been or shall hereafter be leased conditionally under the “Crown Lands Act of 1884” or any Act amending the same, shall be subject to the following conditions, namely:—Any person specially authorized in the prescribed manner by the Minister shall, on depositing a sum of money as prescribed to cover the cost of repairing any damage done to the surface of the land, be at liberty to dig and search for gold or other minerals within such land, and should it be found to contain gold or other minerals, or any substance which the Governor shall declare by proclamation a mineral, the Governor may cancel wholly or in part the sale or lease of such land, and upon the notification thereof in the *Gazette* the proprietor shall be entitled to compensation for the value of the land or of his interest therein (as the case may be), and of the improvements thereon (as appraised by the Land Board, subject to appeal in accordance with the “Crown Lands Act of 1884,” or any Act amending the same), but exclusive of the value of gold or other minerals therein, and such land shall thereupon become Crown Land within the meaning of the “Mining Act 1874,” or any Act amending the same, and shall be reserved from sale or lease until such reservation be revoked by the Governor. Provided that the person so specially authorized by the Minister to dig and search for gold or other minerals, upon satisfying the Minister that he has complied with all the conditions of such authority, shall, on the appearance of such notification in the *Gazette*, be deemed to be the first applicant for a claim or lease of such land or a portion thereof, and the date of such application shall be reckoned from the day of publication of such notification in the *Gazette*, but in other respects as to labour conditions, and other matters, such application shall be dealt with subject to the regulations in force for the time being authorizing the occupation of Crown Lands for mining purposes.

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Power to make regulations.

3. For the purpose of carrying this Act into effect the Governor may make regulations upon any matter referred to in this Act; and such regulations, upon being published in the *Gazette*, shall be valid in law. Provided that a copy of every such regulation shall be laid before both Houses of Parliament within fourteen days from publication thereof if Parliament be then in Session, or otherwise within fourteen days after the commencement of the next ensuing Session.

Short title.

4. This Act may be cited as the "Mining Act of 1889."
