

Act No. 101, 1902.

An Act to amend the Mining on Private Lands Act of 1894, the Mining Laws Amendment Act of 1896, the Mining Act of 1874, and the Mining Act of 1889. [17th December, 1902.]

MINING ON
PRIVATE LANDS
(AMENDMENT).

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Mining on Private Lands short title. (Amendment) Act, 1902."

2. Section seven of the Mining Laws Amendment Act of 1896 Repeal. is hereby repealed.

3. All lands which, under the Mining on Private Lands Act of 1894, the Mining Laws Amendment Act of 1896, or this Act, are open to mining for silver, lead, tin, and antimony, shall, subject to the provisions of sections twenty-three and twenty-five of the first-mentioned Act which shall be taken to apply as far as regards the additional minerals in this section named as from the time of passing this Act, and also subject to the provisions of the said Acts applicable in that behalf, be also open to mining for copper, ironstone, diamond, opal, platinum, bismuth, cinnabar, wolfram, chromite, and any other mineral, except coal or shale, which the Governor may by proclamation in the Gazette declare to be a mineral for the purposes of this Act: Provided that sections twenty-three and twenty-five of the said first-mentioned Act shall not apply to any mineral hereafter proclaimed nor to any land which at the time of the passing of this Act is legally occupied for mining purposes in respect of silver, lead, tin, or antimony.

Private lands open
to mining for certain
minerals.

Mining on Private Lands (Amendment).

And wherever the expression "silver, lead, tin, and antimony," or the expression "minerals other than gold" occurs in the said Acts, there shall be inserted after those expressions respectively the words "copper, ironstone, diamond, opal, platinum, bismuth, cinnabar, wolfram, chromite, and any other substance which may be declared by proclamation under section three of the Mining on Private Lands (Amendment) Act, 1902, to be a mineral for the purposes of that Act."

Holders of authorities under Mining Act of 1889 to have preferent right to lease.

4. (1) Where at the commencement of this Act any person is specially authorised under the Mining Act of 1889 to dig and search for copper, diamond, opal, platinum, bismuth, cinnabar, wolfram, or chromite, on any private land, he shall, during the period of six months next after the commencement of this Act, and unless and until such authority is revoked or cancelled during such period, have a preferent right to an authority to enter or a lease of any part of such land for mining for any mineral under and subject to the provisions of the Mining on Private Lands Act of 1894, or any Act amending the same; and until such authority or lease is granted to such person, or the said period of six months expires (whichever event first happens), no authority or lease of any part of such land for mining purposes shall be granted under the said Acts to any other person.

At the expiration of such period all such authorities, so far as they relate to any of the abovenamed minerals shall lapse and shall be of no effect.

(2) Where, at the time when a mineral other than the minerals named in section three of this Act is in pursuance of that section declared by proclamation to be a mineral for the purposes of this Act, any person is specially authorised under the Mining Act of 1889 to dig and search for that mineral on any private land he shall, during the period of six months next after the making of the said proclamation, and unless and until such authority is revoked or cancelled during such period, have a preferent right to an authority or a lease under and subject to the Mining on Private Lands Act of 1894, or any Act amending the same, of any part of such land for mining for any mineral, and until such authority or lease is granted to such person, or the said period of six months expires (whichever event first happens), no authority or lease of any part of such land for mining purposes shall be granted under the said Acts to any other person.

At the expiration of such period all such authorities, so far as they relate to the mineral so proclaimed as aforesaid, shall lapse and shall be of no effect.

Conditionally leased land to be private land.

5. All land conditionally leased under the Crown Lands Act of 1884, or any Act amending the same, shall be and be deemed to be private land within the meaning of the Mining on Private Lands Act of 1894, the Mining Laws Amendment Act of 1896, and this Act.

Gold and Mineral Dredging (Amending).

6. The Governor may make regulations for the purpose of prescribing the area of land which may be leased in pursuance of this Act for mining for minerals other than gold, lead, silver, tin, and antimony, and for otherwise carrying this Act into effect, and such regulations upon being published in the Gazette shall be valid in law. A copy of such regulations shall be laid before both Houses of Parliament within fourteen days from the publication thereof, if Parliament is then sitting, but if Parliament is not then sitting, within fourteen days after the next meeting of Parliament.
