

No. XII.

CHURCH AND
SCHOOL LANDS
MINING.

An Act to make better provision for Mining on Church and School Lands. [23rd July, 1888.]

Preamble.

WHEREAS it is expedient to amend the "Church and School Lands Dedication Act, 1880," in order that better provision for mining for gold and other minerals within Church and School Lands should be made. 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:—

Short title and interpretation of terms.

1. In this Act (which may be cited as the "Church and School Lands Mining Act") the expression "Governor" means Governor with the advice of the Executive Council. "Church and School Lands" include all Lands described in the Schedule to the "Church and School Lands Dedication Act, 1880." "Principal Act" means the said last-mentioned Act. "Prescribed" means prescribed by Regulations under this Act; and "Minister" means the Responsible Minister for the time being charged with the administration of Church and School Lands.

Leases for mining purposes of Church and School Lands.

2. Notwithstanding anything in the Principal Act, or in any lease or other instrument granted under the same, the Governor, subject to the provisions hereinafter contained, may grant leases for mining purposes of any lands classified as "lands suitable for mining operations" pursuant to section eight of the Principal Act, or which shall, as hereinafter provided, be so classified.

Minister may grant authority to enter Church and School Lands to search for gold, &c.

3. The Minister may grant to any holder of a miner's right or mineral license applying for the same an authority to enter upon and search for gold or other minerals in any Church and School Lands, and whether under lease or agreement for lease or not, and every such authority shall confer upon the grantee the right to occupy so much of the surface of such land as may be specified in such authority, not exceeding the area prescribed under the Mining Act and Regulations thereunder, and therein to dig and remove earth, and to construct all necessary mining works for the purposes of prosecuting the search for and testing the value of any auriferous or other mineral deposit therein, and shall also confer the right of ingress, egress, and regress, into

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into, upon, and over any such land. Provided always that Regulations shall be made by the Minister and obligatory conditions shall be imposed by him on the licensee for preventing all damage to the lessee other than such as shall be unavoidable in effecting the objects of the said license, and also providing for the filling in or fencing off of all shafts and dangerous places and works sunk, made, or occasioned by or on behalf of the licensee in the prosecution of such search as aforesaid or otherwise in connection with the occupation and work authorized by such license.

4. Upon production of satisfactory proof of the discovery of gold or other minerals in any land specified or described in any such authority, the Governor may alter the classification of any lands so as to include the same in the class of lands suitable for mining operations, and thereupon such land shall be open to lease in the prescribed manner. Provided that, if the surface of the land upon which the discovery has been made is under lease for any purpose other than mining, the Governor may withdraw the whole or any part of the land from such lease, on payment to the lessee of compensation in terms of the lease under which the land is held for any injury he may sustain, as well as of compensation for any consequential or other injury he may sustain, to be determined by arbitration in the prescribed manner in case of any dispute, or may without any such withdrawal, and with the consent of the lessee of the surface, grant, as may be prescribed to the discoverer, a lease for mining purposes of the area occupied by him under such authority as aforesaid, subject to such special restrictions and conditions as shall protect, as far as practicable, the rights of the lessee of the surface.

Classification of land may be altered on discovery of gold, &c.

May be leased for mining purposes.

5. The grantee of any such authority, who shall have discovered gold or other minerals in payable quantity, and shall have produced satisfactory proof thereof, shall be deemed the first applicant for a lease of the land specified or described in such authority.

Discoverer of gold, &c., to be deemed first applicant for lease.

6. Leases for mining for gold or other minerals shall be in such form and contain such stipulations and provisions as the Governor shall direct. Such leases may be granted for any period not exceeding, for gold-mining, fifteen years, and for any other minerals, twenty years; and shall be subject to the same labour conditions, inspection, supervision, and control as is or may be required in mines on Crown Land. Provided always that the rent reserved thereunder shall be one pound per acre per annum for gold-mining, and five shillings per acre for any other mineral, payable annually in advance. In each case the first years rent, deed, and survey fee shall be lodged with the application to lease. All such rents shall be applied as directed by the Principal Act.

Provisions, duration, and rent of leases.

7. The Governor may make regulations prescribing the forms of application, and of authority to search for gold or other minerals, and the labour and other conditions under which such authority shall be exercised, the form and lodgment of applications to lease, the mode of making the same, the conditions to be observed prior to and at the lodging of such application, the form of lease, the covenants, conditions, and stipulations to be observed by lessees, and the easements and water rights, whether on the land devised or on Church and School Lands adjoining thereto, and other privileges conferred upon lessees, and may by such regulations provide for all other matters and forms necessary to give full effect to the purposes of this Act.

Regulations.