

No. X.

An Act to extend the provisions of the Mining Acts by giving power to grant leases for Mining on certain Areas now exempt from such power to prescribe the conditions of such Leases to remove doubts as to the power to make Reserves for Mining purposes and for other purposes. [19th August, 1884.]

MINING ACT
FURTHER
AMENDMENT.

WHIEREAS it is expedient to empower the Governor to grant leases for the purpose of mining for gold or for any metal or mineral other than gold in or under lands reserved or dedicated for public purposes or exempted from occupation within the meaning of the "Mining Act 1874" and it is also expedient to remove doubts as to the power to make reserves for mining purposes under the provisions of the fourth and fifth sections of the "Crown Lands Alienation Act of 1861" Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. This Act may be cited as the "Mining Act further Amendment Act of 1884" and shall be construed with the "Mining Act 1874" [hereinafter termed the Principal Act] and the Acts forty-third Victoria number twenty-eight and forty-sixth Victoria number seven.

2. Notwithstanding anything contained in the principal Act all Lands now exempted under the said Act from occupation for the purpose of mining for gold or for any metal or mineral other than gold otherwise than by means of permits or authorities granted by the Governor or by the Secretary for Mines shall after the passing of this Act be Crown Lands open to lease within the meaning of Divisions II and III of the Principal Act Provided that in addition to or in substitution of the respective sums in such Divisions prescribed by way of rent the Governor may impose upon the holders of any such lease the payment of such sum to Her Majesty by way of rent or royalty on the gold or other metal or mineral to be obtained from land so leased as he may think fit or as may be prescribed and every such lease shall be subject to such covenants and conditions as may in the opinion of the Governor be necessary for the proper protection of the surface of the land and for the proper and efficient working of the metals or minerals contained therein and for securing payment of the rents and royalties aforesaid Provided that if a lessee desires to obtain a renewal of any lease granted under the provisions of this Act he shall in the last year of such lease make an application in writing to the Secretary for Mines for such renewal for a further period not exceeding twenty years and such renewal shall be granted but upon such terms as to increase of rent and royalty or of one or the other as the Secretary for Mines shall determine provided that such increased rent or royalty shall not exceed fifty per cent. per annum on the rent or royalty previously paid for the land so leased.

Mining Act further Amendment.

Conversion of permits and authorities.

3. Any permit or authority granted under the twenty-seventh or twenty-eighth section of the Principal Act and now in force may upon application of the holder in the prescribed manner be converted into a lease by the Governor with the same effect and subject to the same conditions and provisions to those contained in leases made by virtue of the last preceding section.

Regulations.

4. The Governor may make Regulations (to be dealt with as Regulations made by the Governor under the Principal Act) for converting permits and authorities into leases for prescribing the rents and royalties and the mode of payment and for enforcing the covenants and conditions of such leases and for carrying into effect the purposes of this Act and such regulations shall on publication in the *Gazette* have the force of law.

What to be public purposes under the Land Acts.

5. The purposes hereinafter specified shall be deemed to be and to have been "public purposes" or a "public purpose" within the meaning of the fourth and fifth sections of the "Crown Lands Alienation Act of 1861" and any Act amending the same that is to say—

(I.) Mining purposes (generally)

(II.) Mining for gold or for any metal or mineral other than gold

But every conditional purchase made or lease heretofore granted of any land comprised within any reserve made under the said sections shall have the same force and validity as if the land conditionally purchased or intended to be demised by such lease had been Crown Land within the meaning of the Principal Act when the conditional purchase was made or the lease was granted. Provided that nothing herein shall effect any causes of action in respect of which proceedings have been commenced in any Court prior to the twelfth day of June one thousand eight hundred and eighty-four with the object of deciding the question of title.

Adjoining leases may be amalgamated.

6. Where it shall appear to the satisfaction of the Secretary for Mines that any two or more adjoining gold-mining leases issued under Division II of the Principal Act can by amalgamation be more efficiently worked as one mine the Secretary for Mines may authorize such amalgamation upon payment of a fee of twenty shillings for each lease so amalgamated. Provided that the labour to be employed on or in connection with such mine shall be the sum of the labour conditions in each separate lease.

Special leases.

7. It shall be lawful for the Governor to grant special leases of ordinary Crown Lands for gold-mining purposes when the Secretary for Mines shall be satisfied that special difficulties exist in working the ground either by way of great depth or wetness or on account of the costly appliances required for its development or by reason of the length or costly nature of the races to be cut to enable such ground to be worked and the Governor may prescribe the tenure form and area of such leases and the amount of rent or royalty to be reserved and the conditions reservations and exceptions to be contained in the same but every such lease shall contain a condition that if the lessee his executors administrators or assigns fail at any time during such tenure to fulfil the conditions and terms therein contained or to use the land *bonâ fide* for the purposes for which it shall be demised the lease shall for any such failure be voidable at the will of the Governor.