

1 Edw. VII. No. 10, 1901. *Mining Act Amendment Act.*

3. The following provision is added to section ten of the Principal Act:—

Amendment  
of 57 Vic.  
No. 11, s. 10.

The provisions of "*The Bills of Sale Act of 1891*,"\* or any Act amending or in substitution for that Act, shall not apply to any mortgage executed under the provisions of this Act, or affect the validity or operation of any such mortgage in respect of any chattels comprised therein.

4. The following provision is added after the first paragraph of section six of "*The Meat and Dairy Produce Encouragement Act of 1895*"†:—

Amendment  
of 59 Vic.  
No. 6, s. 6.

Provided that in making such repayments the Minister shall have power to pay in full, but without interest, in priority to certificates for amounts exceeding one pound, all amounts not exceeding one pound upon presentation of the certificates for such amounts.

## MINING.

### An Act to Amend "*The Mining Act of 1898*."

1 Edw. VII.  
No. 10.

[ASSENTED TO 17TH DECEMBER, 1901.]

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 Queensland in Parliament assembled, and by the authority of the same, as follows:—

THE  
MINING ACT  
AMENDMENT  
ACT OF 1901.

1. This Act may be cited as "*The Mining Act Amendment Act of 1901*," and shall be read and construed with and as an amendment of "*The Mining Act of 1898*,"‡ hereinafter called the Principal Act.

Short title and  
construction.

2. In section three of the Principal Act, before the definition of the term "Earth," the following definition is inserted, and the Principal Act shall be read and construed as though the said definition had been inserted therein at the commencement of the said Act:—

Amendment  
of 62 Vic.  
No. 24, s. 3.

"Drive"—Any passage in a mine in any direction or at any angle whatsoever, other than a shaft as hereinafter defined: Provided that, for the purposes of section sixty-two of this Act, the term may, if necessary, include any extension or continuation of any shaft.

\* 55 Vic. No. 23, *supra*, page 4171. † 59 Vic. No. 6, *supra*, page 5669.

‡ 62 Vic. No. 24, *supra*, page 6609.

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Amendment  
of 62 Vic.  
No. 24, s. 28.

3. At the end of subsection three of section twenty-eight of the Principal Act, the following provision is inserted:—

Provided that such covenant shall be omitted from all leases other than those granted for the purposes mentioned in subsection one of section twenty-four.

Amendment  
of 62 Vic.  
No. 24, s. 30.

4. The word “or” is inserted at the end of subsection one of section thirty of the Principal Act.

Amendment  
of 62 Vic.  
No. 24, s. 34.

5. In section thirty-four of the Principal Act, the words “Every mineral lease shall be granted for the working of some mineral or combination of minerals, to be specified therein, and every lease shall contain the following reservation, covenants, and conditions, that is to say,” are repealed, and the following words are inserted in lieu thereof:—

“Every mineral lease granted for the purposes mentioned in subsection one of section thirty of this Act shall specify the mineral or combination of minerals for the working whereof the same is granted, and shall contain a covenant that there shall be employed on the lease one man for every ten acres or fraction of ten acres, unless exemption or partial exemption has been granted.

“Moreover, every mineral lease granted for any purpose shall contain the following reservations, covenants, and conditions, that is to say,—”

Subsection five of the said section thirty-four is repealed.

Amendment  
of 64 Vic.  
No. 24, s. 42.

6. The following provision is added to section forty-two of the Principal Act:—

For the purposes of this section, mining leaseholds shall be deemed to be contiguous and may be united in manner prescribed if they are wholly or partially divided or separated only by other land held in fee-simple or by any road, street, water, or watercourse, and whether such road, street, water, or watercourse is comprised in a mining lease or not.

7. After section forty-five of the Principal Act, the following new section is inserted:—

Provisions  
applicable  
to mining  
leases granted  
for the  
construction  
of tramways.

45A. The following provisions shall be applicable to all lands held under a mining lease granted for the construction of tramways under the provisions of subsection two of section twenty-four or subsection two of section thirty of this Act, herein called “a tramway mining lease,” that is to say,—

1901.

*Mining Act Amendment Act.*

(1.) Any holder of a miner's right may apply for and take up for mining purposes, in accordance with the provisions of this Act, any land comprised in a tramway mining lease, and may mark off the claim or land to which he is entitled, and may obtain registration thereof in the same manner as if the land were unoccupied Crown land.

Right of  
miners to  
work leased  
land.

(2.) A mining lease for the purposes mentioned in subsection one of section twenty-four or subsection one of section thirty of this Act may be granted under this Act of land comprised in a tramway mining lease. But in any such case the lease shall be of the mines under such land only, and not of the surface of the land.

(3.) When land comprised in a tramway mining lease is taken up for mining purposes, or is included in such mining lease as aforesaid, the person entitled to mine thereon or therein shall be entitled to erect buildings, sink shafts, and carry on all necessary mining operations upon such part of the surface of the land comprised in such claim or mining lease as is not actually occupied by any tramway of the holder of such tramway mining lease, or is not within five feet on either side of such tramway, or is not upon any route surveyed or marked out for any such tramway, or is not within five feet on either side of such route, and, subject to the same restrictions and limitations, the person entitled to mine as aforesaid shall also have the surface right of access to the mines through the residue of the land comprised in the tramway mining lease.

(4.) In any of the cases hereinbefore mentioned the lessee may call upon the warden to assess the value of the damage likely to be done to any improvements upon the land comprised in his tramway mining lease, and the warden shall thereupon require the miner working or about to work upon the land to deposit in his hands the amount of the damage which the working is likely to do to the lessee, and until such payment is made the miner shall not be entitled to work upon the land.

Compensation  
for land.

Upon receipt of the amount so required to be deposited, the warden shall hold the same as security to be paid either wholly or in part to the lessee if he sustains any damage, or to be returned to the miner on his leaving the land if he does no damage.

In assessing such damage, only actual injury to improvements shall be taken into account, and no compensation shall be allowed for the value of the land or the lessee's interest therein.

Appointment  
of arbitrators.

(5.) If, in any case in which the warden has been called on to value the damage sustained or likely to be sustained by a lessee through the operations of miners working on the land comprised in his tramway mining lease, either of the parties is dissatisfied with his decision, such party may require that the question be referred to arbitration, in which case one arbitrator shall be appointed by the lessee and one by the miners interested, and the arbitrators shall appoint an umpire, and the decision of the arbitrators or of the umpire, as the case may be, shall be final.

An application for arbitration shall be made within forty-eight hours after the decision of the case by the warden, otherwise it shall not be entertained, and every such application shall be in writing, addressed to the warden, and a copy thereof shall be delivered by the applicant to the other party concerned.

Protection of  
mining  
improve-  
ments.

(6.) When a miner has put up any building or other erection, or put down a shaft upon land comprised in a tramway mining lease and afterwards leaves the land, the lessee shall not remove or destroy such building, erection, or shaft, without the sanction of the warden.

(7.) The lessee of any tramway mining lease who desires to carry for hire upon his tramway passengers, or goods, live stock, or material for the public, shall make application in writing to the Minister for a permit so to do.

The Minister may grant such permit :

Provided that the Minister may make Regulations for the proper working of the tramway :

Provided that no lessee to whom such permit has been granted shall be entitled to demand or recover for the carriage of any passengers, goods, live stock, or material as aforesaid any tolls, fares, rates, or charges exceeding fifty per centum more than the amount payable in respect of similar services on the Government railways of the State under by-laws in force for the time being of the Commissioner or other officer charged with the control of such railways :

Provided further that the lessee shall not make or give any undue or unreasonable preference or advantage to or in favour of any particular person or class of persons or any particular description of traffic, or subject any particular person or class of persons or any particular description of traffic to any undue or unreasonable disadvantage in any respect whatsoever; and this provision

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may be enforced by the Warden's Court upon the application of any person aggrieved, by the issue of an injunction or other process according to the practice of the said Court :

Provided further that if the Government should at any time construct and maintain any line of railway or tramway adjacent to any tramway mining lease, the lessee of such tramway mining lease shall not be entitled to claim any compensation from the Government for any losses that may accrue from such action of the Government.

8. In all copies of the Principal Act hereafter printed by the Government Printer all repeals and amendments of the provisions of that Act made by this Act, or any Act hereafter to be passed, shall be omitted and inserted as the case may be, and references shall be made in the margin of the Principal Act to the sections of the Act by which such repeals or amendments are respectively made.

Manner of  
showing  
amendments

## OFFICERS OF CUSTOMS AND EXCISE.

*See* CUSTOMS AND EXCISE.

## PASTORAL HOLDINGS NEW LEASES.

*See* LANDS.

## PRICKLY PEAR SELECTIONS.

*See* LANDS.

## PROTECTION OF ANIMALS.

*See* ANIMALS.

## PUBLIC SERVICE.

### An Act to Amend the Public Service Act.

[ASSENTED TO 24TH DECEMBER, 1901.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows :—

1 Edw. VII.  
No. 17.

THE PUBLIC  
SERVICE ACT  
AMENDMENT  
ACT OF  
1901.

1. This Act may be cited as "*The Public Service Act Amendment Act of 1901*," and shall be read and construed with and as an amendment of "*The Public Service Act of 1896*,"\* hereinafter called the Principal Act.

Short title  
and  
construction.

\* 60 Vic. No. 15, *supra*, page 6056.