

MINING.

26 Geo. V.
No. 15.
THE
MINING
SURVEY ACT
OF 1935.

An Act to Provide for the Co-operation of the State of Queensland with the Commonwealth of Australia and the State of Western Australia in the Making of a Geological and Geophysical Survey of Certain Areas in the Northern Parts of Australia, and for other purposes.

[ASSENTED TO 25TH OCTOBER, 1935.]

Preamble.

WHEREAS the Commonwealth and the States of Queensland and Western Australia have agreed to co-operate in the conduct of a Geological and Geophysical Survey of Certain Areas in the Northern Parts of Australia and, for the purpose of meeting the cost of the said Survey, to provide the sum of One hundred and fifty thousand pounds, of which the Commonwealth is to provide one-half and each of the said States is to provide one-quarter—

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

Short title and commencement.

1. *This Act may be cited as "*The Mining Survey Act of 1935*," and shall commence on a date to be proclaimed by the Governor in Council by Proclamation published in the *Gazette*.

Meaning of terms.

2. In this Act, unless the context otherwise indicates or requires, the following terms shall have the meanings respectively assigned to them, that is to say :—

Commonwealth Act.

"Commonwealth Act"—An Act of the Commonwealth of Australia to Authorize and Provide for the Geological and Geophysical Survey of Certain Areas in the Northern Parts of Australia, and for other purposes, and numbered 61 of 1934 ;

Minister.

"Minister"—The Secretary for Mines or other Minister of the Crown for the time being administering this Act ;

* Proclaimed in force from 29th October, 1935, by Proclamation of 28th October, 1935 (*Gazette*, 29th October, 1935, page 1229).

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“Survey”—The Survey within the meaning of Survey.
the Commonwealth Act;

“Survey Committee”—The Survey Committee Survey
appointed under section six of the Committee.
Commonwealth Act;

“This Act”—This Act and all Proclamations, This Act.
Orders in Council, and regulations made
thereunder.

3. The co-operation of the State with the Common- State to
wealth of Australia and the State of Western Australia co-operate
in the conduct of the Survey and in the provision of in Survey.
moneys to meet the cost thereof is hereby authorized
and approved; and all acts, matters, or things done or
performed in or about or for the purposes of the Survey
prior to the commencement of this Act, or to be done
or performed in or about or for the purposes of the
Survey after the passing of this Act are hereby approved,
authorized, ratified, and confirmed, and are and shall
be valid for all purposes whatsoever:

Provided that nothing in this Act shall render or
be taken to render the State liable for the payment of
an amount greater than the sum of Thirty-seven
thousand and five hundred pounds in respect of the
cost of the Survey.

4. The State shall provide for the purpose of meeting Dedication
the cost of the Survey the sum of Thirty-seven thousand of funds.
and five hundred pounds. Such sum shall be paid from
the Consolidated Revenue Fund, which is hereby
appropriated accordingly, and the Treasurer authorized
to pay same to the credit of the Northern Australia
Survey Trust Account, being the Trust Account
established under and in accordance with the
Commonwealth Act.

5. The Governor in Council may from time to time State
appoint a representative of the State to be a member representa-
of the Survey Committee. Such representative shall tion on
be an officer of the State and shall hold office during Survey
pleasure. Committee.

In the case of the illness, suspension, inability, or
absence of such representative the Governor in Council
may appoint some other person, being an officer of the
State, to act as the deputy for such representative

during such illness, suspension, inability, or absence, and every such person shall, while he acts as such deputy, have all the powers and perform all the duties of such representative as a member of the Survey Committee.

Services of
State
officers.

6. The Governor in Council may, upon the request of the Survey Committee, make available to the Committee the services of any officer of the State.

Any officer of the State whose services are made available to the Committee shall retain all his existing and accruing rights and privileges.

Orders in
Council.

7. The Governor in Council may, upon the recommendation of the Survey Committee, from time to time by Order in Council published in the *Gazette* provide for all or any purposes, whether general or to meet particular cases, that may be necessary or convenient for the administration of this Act, or that may be necessary or convenient to carry out the objects and purposes thereof, including the exemption of the whole or part of any area of land from all or any of the provisions of any Act in force for the time being relating to mining, and including further the prohibition, and either generally or subject to such conditions as may be prescribed, of the searching or prospecting for, mining, taking, getting, or removing of gold or any other mineral or minerals in, upon, or from any area of land or part thereof.

Any Order in Council made under the provisions of this Act may in like manner be from time to time altered, amended, or revoked by any subsequent Order in Council.

Any such Order in Council published in the *Gazette* and made or purporting to be made under the provisions of this Act shall be of the same force and effect as if it were enacted herein, and shall be judicially noticed, and shall not be questioned in any proceedings whatsoever.

Reports and
Orders in
Council to
be laid
before
Parliament.

8. All reports furnished to the Premier of this State under and in accordance with the provisions of the Commonwealth Act and all Orders in Council issued under this Act shall be laid before Parliament forthwith, if then sitting; and, if not then sitting, then within fourteen days after the commencement of the next ensuing session.

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9. Any person who does or omits to do any act ^{Offences.} contrary to the provisions of this Act shall be guilty of an offence and liable to a penalty of not more than one hundred pounds.

All penalties for offences under this Act may be recovered in a summary way by complaint under **The Justices Acts, 1886 to 1932.**

10. For the purposes of the Survey the Survey ^{Entry on} Committee or any person authorised either generally or ^{lands.} specially by it may enter and re-enter upon any lands and there carry on such work as the Committee thinks fit or as is necessary, and shall have free access to any premises or place where any work in connection with the Survey is to be or is being carried out.

No action, indictment, information, claim, or other proceeding shall be commenced, presented, made, or prosecuted against the Government of Queensland, or the Minister, or any officer of the State for any damage, loss, or expenses occasioned or alleged to be occasioned or in any way arising from the exercise of any power or authority conferred by this section.

But nothing in this section shall prejudice or affect the rights of any person under the Commonwealth Act.

Any person who wilfully obstructs the Survey Committee or any person acting under the authority of this section shall be liable to a penalty of not more than twenty pounds.

* 50 Vic. No. 17 and amending Acts, *supra*, pages 1132 *et seq.*

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See MINING.

ORDERS IN COUNCIL UNDER BUREAU OF INDUSTRY ACTS.

See INDUSTRY.

OYSTERS.

See FISHERIES (1), (2).

PLANTS, DISEASES IN.

See AGRICULTURE (1).