

27. Queen Victoria Hospital—Grant to discharge mortgage	£	10,250
28. Southern Tasmanian Ambulance Transport Service Board: Two-way radio		3,000
<i>Minister for Police—</i>		
Police Department—		
29. Watch-house Keeper's quarters and Police amenities block, Hobart (additional)		16,000
		<u>£2,523,300</u>

THE SECOND SCHEDULE.

(Section 3.)

TRANSPORT COMMISSION.

<i>Minister for Transport—</i>	£	
30. New offices, Transport Commission, Hobart (additional)		85,200
<i>Railways—</i>		
31. Staff housing		16,000
32. Mechanical handling equipment		8,000
<i>Ferries—</i>		
33. Vehicular ferry vessels (two), Bruny Island and East Risdon ferry services		90,000
		<u>£199,200</u>

THE THIRD SCHEDULE.

(Section 3.)

<i>Minister for Transport—</i>	£	
<i>Metropolitan Transport Trust—</i>		
34. Route extensions		20,000
35. Plant and equipment		9,000
		<u>£29,000</u>

MINING.

No. 7 of 1959.

AN ACT to amend the *Mining Act 1929.*

[6 August 1959.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Mining Act 1959.*

Short title
and citation.

(2) The *Mining Act 1929*, as subsequently amended, is in this Act referred to as the Principal Act

Interpreta-
tion.

2 Section two of the Principal Act is amended—

- (a) by inserting in the definition of “Crown land”, after the word “State”, the words “(whether or not subject to a Crown lease or a Crown licence)”;
- (b) by inserting after that definition the following definitions:—
- “‘Crown lease’ means a lease granted under the *Crown Lands Act* 1935 or any previous Act within the meaning of that Act:
- “‘Crown lessee’, used in relation to any Crown lease, means the person holding that Crown lease:
- “‘Crown licence’ means a licence granted under the *Crown Lands Act* 1935 or any previous Act within the meaning of that Act:
- “‘Crown licensee’, used in relation to any Crown licence, means the person holding that Crown licence:”;
- (c) by inserting after the definition of “Gold”, the following definition:—
- “‘Improvements’, used in relation to land subject to a Crown lease or a Crown licence, means buildings, fences, and permanent improvements:”.

Special pro-
visions for
coal and oil
licences.

3 Section fourteen of the Principal Act is amended—

- (a) by inserting after subsection (1) the following subsection:—
- “(1A) A person who proposes to make an application for a coal and oil licence shall mark out, as prescribed, the area in respect of which he proposes to make the application.”;
- (b) by omitting from subsection (6) the word “warden” and substituting therefor the word “Director”;
- (c) by omitting from subsection (7) the word “warden” and substituting therefor the word “Director”; and
- (d) by omitting from subsection (8) the word “warden” and substituting therefor the word “Director”.

Effect of
prospector's
licence.

- 4** Section fifteen of the Principal Act is amended by omitting from subsection (1) the words “take up” and substituting therefor the words “mark out”.

5 Section fifteen A of the Principal Act is amended by inserting after subsection (1) the following subsection:— Special prospector's licence.

“(1A) A special prospector's licence may only be granted in respect of unoccupied land and land on any reserve which is subject to the relevant provisions of this Act.”.

6 Section sixteen of the Principal Act is amended by omitting from subsection (2) the words “a warden” and substituting therefor the words “the Director”. Effect of miner's right.

7 Section forty-one of the Principal Act is amended by adding at the end thereof the following subsection:— Priority of successful objector.

“(5) This section does not apply in relation to any objection made by a person by virtue only of his holding or claiming to hold a Crown lease or a Crown licence.”.

8 Section forty-six of the Principal Act is amended— Covenants and conditions of leases.

(a) by omitting paragraph v of subsection (1);

(b) by inserting in paragraph II of subsection (1A), after the word “lease,”, the words “and except”;

(c) by omitting from paragraph III of that subsection the words “at least one man is continuously” and substituting therefor the words “each man is”;

(d) by omitting the word “and” at the end of that paragraph;

(e) by adding at the end of that subsection the following paragraph:—

“: and

“v While a lessee himself, or a tributer, is working in the carrying out of any mining operations, or any operations reasonably necessary for, or for facilitating the carrying out of mining operations, on the land demised, the lessee shall be deemed to be employing one man.”; and

(f) by omitting from subsection (2) all the words therein after the word “fit” and substituting therefor the words “and, if the Minister thinks fit, a condition of forfeiture of the lease on a breach of any of those covenants”.

9 Section forty-seven of the Principal Act is amended by omitting subsection (7). Commencement of leases.

Amalgama-
tion of leases.

10 Section forty-eight of the Principal Act is amended—

(a) by omitting paragraph II of subsection (5) and substituting therefor the following paragraph:—

“II The labour covenants in each of the leases shall be deemed to be complied with so long as the number of men employed by the lessee is not less than the aggregate of the number of men which by those covenants he is required to employ.”; and

(b) by omitting from subsection (6) all the words therein after the word “that” and substituting therefor the words “the labour covenants in the leases have been complied with.”.

Exemptions
from labour
covenants.

11 Section fifty-three of the Principal Act is amended—

(a) by omitting from subsection (2) all the words therein after the word “Director”;

(b) by omitting from subsection (7) the words “and advertised”; and

(c) by adding at the end of that subsection the words “, and, in such cases as may be prescribed, shall be advertised in such form and manner as may be prescribed.”.

Effect of
exemptions.

12 Section fifty-four of the Principal Act is amended by inserting after the word “extent” the words “, and subject to the conditions,”.

Forfeiture
of leases.

13 Section fifty-five of the Principal Act is amended by inserting in subsection (1), after the word “royalty”, the words “or for breach of a covenant inserted in the lease under subsection (2) of section forty-six,”.

Hearing of
applications
for
forfeiture.

14 Section fifty-seven of the Principal Act is amended by omitting from subsection (3) the word “expenditure” and substituting therefor the word “labour”.

Application
for forfeited
leases.

15 Section sixty-one of the Principal Act is amended by adding at the end thereof the following subsection:—

“(6) Paragraph I of subsection (1A) of section forty-six does not apply in relation to any agreement entered into, or lease granted, under this section.”.

Disposal of
lessee's pro-
perty left on
land.

16 Section sixty-three of the Principal Act is amended by omitting subsection (9).

Prospecting
on private
lands.

17 Section seventy of the Principal Act is amended by omitting subsections (9) and (10).

18 Section seventy-one of the Principal Act is amended by omitting from paragraph II of subsection (1) the word "off" and substituting therefor the word "out".

Entry, &c.,
on private
lands.

19 Section seventy-six of the Principal Act is amended by omitting subsection (5) thereof.

Licences in
respect of
private
land.

20 After section eighty-two D of the Principal Act the following sections are inserted:—

"82E—(1) Where for the purpose of making an application for any lease or licence under this Act any person is required to mark out any land, he has the right to mark out that land in the manner required for that purpose and the right to enter upon such land as it may reasonably be necessary for him to enter upon in order so to do, and the exercise by him of the rights conferred by this section does not constitute a trespass to any land unless, in the exercise of those rights, he causes wanton, unnecessary or unreasonable damage to that land, or to any property of the owner or occupier thereof.

Entry on
land for
purposes of
marking out.

"(2) The rights conferred by this section may not be exercised for the purpose of marking out any private land for the purpose of making application for a lease unless the person claiming to exercise the rights has reasonable grounds for believing that any mineral, coal, or oil, or any stone to which section seventy applies, may be found in or on the land to be marked out.

"(3) This section does not apply to any such private land as is referred to in subsection (1) of section seventy-five.

"(4) Section seventy-two applies to anything done in the exercise of the rights conferred by this section as it applies to anything done in pursuance of the provisions of section seventy-one.

"82F—(1) The Director may, by notice in writing, direct any person holding, or applying for, a lease to submit to him, within such time as may be specified in the notice, a name for the land contained, or which will be contained, in the lease.

Names of
mines.

"(2) Where a name for any land is submitted to the Director in accordance with a notice given under subsection (1) of this section, the Director shall assign that name to the land unless he considers that it is so like some other name assigned under this section as to give rise to confusion.

"(3) Where no name is submitted to the Director in accordance with a notice given by him under subsection (1) of this section in relation to any land or he refuses, under subsection (2) of this section, to assign to any land a name so submitted to him, he may assign to that land such name as he thinks fit.

"(4) The Director may, on the application of the holder of a lease, alter the name assigned under this section to the land contained in the lease.

“(5) The Director may cancel the name assigned to any land if the land ceases to comprise a single mining tenement.

“(6) The Director shall keep a record of the names for the time being assigned to land under this section.

“(7) It is sufficient in any document issued under or for the purposes of this Act to refer to any land to which a name has been assigned under this section by that name without further description, and, until the contrary is shown, the record kept under subsection (6) of this section is conclusive of the facts stated therein.”.

21 After section one hundred and twenty-two of the Principal Act the following section is inserted:—

Special provision as to land subject to Crown leases or Crown licences.

“122A—(1) Subject to the provisions of this section where, in the exercise of the rights under this Act of the holder of a mining tenement, damage is occasioned to an improvement in or on land subject to a Crown lease or a Crown licence the Crown lessee or the Crown licensee may recover from the holder of the mining tenement compensation for the damage so occasioned, unless—

I At the time when the improvement was erected or constructed: and

II During the whole period from the time of its erection or construction to the occurrence of the act or operation by reason of which the damage was caused,

the land in or on which it is situated formed part of a mining tenement or was subject to section fifty-two or section eighty-two A.

“(2) Subject to the provisions of this section, where a Crown lease is cancelled under section ninety-five A of the *Crown Lands Act 1935* so far as it relates to any land by reason of the exercise of the rights under this Act of the holder of a mining tenement, the Crown lessee may recover from the holder of the mining tenement compensation for any improvement belonging to the Crown lessee in or on the land in relation to which the lease is cancelled, unless—

I At the time when the improvement was erected or constructed: and

II During the whole period from the time of its erection or construction to the cancellation of the lease,

the land in or on which it is situated formed part of a mining tenement or was subject to section fifty-two or section eighty-two A.

“(3) Without prejudice to the rights conferred by subsection (1) or subsection (2) of this section—

I Where the holder of a claim under a miner's right is by virtue of that holding liable to pay compensation under this section, the compensation may be recovered from the holder of any lease over any

land contained within the claim granted on an application made by the holder of the claim: and

- II Where the holder of a lease is liable by virtue of that holding to pay compensation under this section the compensation may be recovered from the holder of any consolidated lease granted on the surrender of that lease.

“(4) Where a lease has been declared forfeited by a warden’s court the land to which the lease relates shall, for the purposes of this section, be deemed to be comprised within a mining tenement during the period within which the preferential right referred to in section sixty is, or may become, exercisable in relation to that land.

“(5) Where, consequent upon the forfeiture of a lease, possession of the land to which the lease relates has been taken under section sixty-one by the applicant for the forfeiture—

- I The land shall, during the continuance of that possession, be deemed, for the purposes of this section, to be comprised within a mining tenement held by that person:
- II Any rights conferred on him by subsection (4) of that section in relation to that land shall, for the purposes of this section, be deemed to be conferred on him as the holder of that tenement: and
- III Any compensation which may be recovered from him under this section consequent upon the exercise of those rights may also be recovered from the holder of the lease granted under section sixty-one consequent upon the forfeiture.

“(6) The right to recover compensation from any person under this section is enforceable against that person notwithstanding that he has ceased to hold the mining tenement or lease by virtue of which he is liable to pay the compensation, but nothing in this subsection affects any agreement between any of the persons from whom the compensation may be recovered as to their liability, as between themselves, to meet the cost of the compensation.

“(7) The following provisions apply in relation to any claim for compensation under subsection (1) of this section with respect to any improvement in or on any land, namely:—

- I No compensation shall be awarded if the Crown lease so far as it relates to that land has been cancelled under section ninety-five A of the *Crown Lands Act 1935*:
- II No claim for the compensation may be made while an application for the cancellation of the Crown lease so far as it relates to that land under section ninety-five A of the *Crown Lands Act 1935* is pending: and

III The warden or warden's court may refuse to determine the compensation until an application has been made, and determined, under section ninety-five A of the *Crown Lands Act 1935*, for the cancellation of the Crown lease so far as it relates to that land or such part of it as the warden or court may determine.

“(8) In determining any claim for compensation under subsection (2) of this section for any improvement regard shall be had to any compensation previously awarded under subsection (1) of this section in respect of that improvement.”

POISONS.

No. 8 of 1959.

AN ACT to amend the *Poisons Act 1916*.

[6 August 1959.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title,
citation, and
commence-
ment.

1—(1) This Act may be cited as the *Poisons Act 1959*.

(2) The *Poisons Act 1916*, as subsequently amended, is in this Act referred to as the Principal Act.

(3) This Act shall commence on a date to be fixed by proclamation.

2 After section thirteen of the Principal Act the following Division is inserted:—

“*Division IA—Special provisions as to certain poisons used for the destruction of vermin.*”

Restriction
on sale,
possession,
and use of
certain
poisons.

“13A—(1) Subject to subsection (3) of this section, and except as may otherwise be prescribed, no person shall sell or offer for sale or have in his possession any poison specified in the fourth schedule, or any preparation of, or containing, such a poison.

“(2) Subject to subsection (3) of this section, no person shall use, or allow or cause to be used, any poison specified in the fourth schedule, or any preparation of, or containing, such a poison, for any purpose, unless—

1 That purpose is a purpose prescribed as one for which that poison or preparation may be used:
and