

## THE SECOND SCHEDULE.

(Sections 5 and 7.)

*Land that may be transferred to the nominated association.*

A piece of land, having an area of 4 acres and 8 perches situated to the north of the Cosgrove Park Home for the Aged site and having a frontage on Waveney Street of 405 feet, and a boundary running in an easterly direction for a distance of 715 feet, returning in a southerly direction for a distance of 305 feet and then returning to Waveney Street for a distance of 530 feet.

---

**MINING.**


---

**No. 17 of 1962.**

AN ACT to amend the *Mining Act 1929*.  
 [10 May 1962.]

**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 1962*.

Short title  
and citation.

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

**2** Section two of the Principal Act is amended—

Interpre-  
tation.

(a) by inserting in subsection (1) thereof, before the definition of "Claim", the following definition:—

“ ‘Atomic substance’ means—

(a) uranium;

(b) thorium; and

(c) any other substance (being a substance that, in the opinion of the Minister, is or may be used for the production or use of atomic energy or research into matters connected with atomic energy) that is declared by the Minister, by order, to be an atomic substance for the purposes of this Act;”;

(b) by inserting in that subsection, after the definition of "Dam", the following definition:—

“ ‘Date of commencement’, used in relation to a lease, means the day on which, by virtue of subsection (3) or subsection (4) of section forty-seven, the term granted by the lease commences;”;

(c) by omitting from that subsection the definition of "Oil" and substituting therefor the following definition:—

“ ‘Oil’ means—

- (a) mineral oil occurring in a free state and which may be obtained by drilling or wells;
  - (b) natural gas; and
  - (c) solid bitumen,
- but does not include—
- (d) helium; or
  - (e) mineral oil which may be extracted from coal, rock, or stone by the application of heat or by a chemical process;”.

**3** After section two A of the Principal Act the following section is inserted:—

“2B—(1) Notwithstanding any law or rule of law to the contrary or anything to the contrary contained in any grant, lease, licence, or other instrument of title or tenure or in any other document—

- (a) all oil;
- (b) all helium; and
- (c) every atomic substance,

existing in a natural state on or below the surface of any land in this State (including land covered by the sea or by the waters of any lake, pond, river, or stream) is, and shall be deemed at all times to have been, the property of the Crown.

“(2) Subsection (1) of this section applies to and in relation to any land whether alienated from the Crown or not and, if alienated, whether the alienation took place before or after the commencement of this section.

“(3) No compensation is payable by the Crown for or in relation to any oil, helium, or atomic substance that, before the commencement of this section, was, or but for this section may have been, vested in any person other than the Crown.

“(4) All grants and leases and every licence and other instrument of title or tenure relating to lands of the Crown (other than licences and leases authorizing the prospecting or searching for, or mining of, oil, helium, or atomic substances) whether issued or granted before or after the commencement of this section shall be deemed to contain a reservation to the Crown of all oil, helium, and atomic substances existing in a natural state or on or below the surface of the land granted or demised thereby or comprised therein.

Certain substances the property of the Crown.  
Cf. No. 28 of 1955 (N.S.W.), s. 6.  
No. 6334 (Vic.), s. 5.  
14 Geo. V No. 26 (Q'ld), s. 5.  
No. 1953 of 1930 (S.A.), s. 111a.  
No. 58 of 1940 (S.A.), s. 4.  
No. 36 of 1936 (W.A.), s. 9.

“(5) The provisions of this section extend and apply to and in relation to—

- (a) all lands (whether covered by the sea or not) lying to the southward of Wilson's Promontory in thirty-nine degrees and twelve minutes of south latitude and to the northward of the forty-fifth degree of south latitude, and between the one hundred and fortieth and one hundred and fiftieth degrees of longitude east from Greenwich;
- (b) all lands on Macquarie Island and all lands covered by the sea that are adjoining, and are within three nautical miles from any part of the coast of, that Island; and
- (c) all oil, helium, and atomic substances existing in a natural state on or under any of the lands to which paragraphs (a) and (b) of this subsection relate.”.

**4** Section four of the Principal Act is amended by adding at the end thereof the following subsection:—

Continuation of existing leases, &c.

“(4) This section shall be read and construed subject to the provisions of section two B.”.

**5** Section seven of the Principal Act is amended by omitting from subsection (1) the words “gems and precious stones” and substituting therefor the words “gems, precious stones, and helium”.

Power to apply Act to mining for gems and precious stones.

**6** Section fifteen C of the Principal Act is amended by omitting subsection (7) thereof and substituting therefor the following subsection:—

Provisions common to special prospectors' and exploration licences.

“(7) At any time during the currency of a licence, the Minister may, on the recommendation of the Director, add to or reduce the area of land comprised in the licence.”.

**7** Section twenty-five of the Principal Act is amended by omitting subsection (2) thereof and substituting therefor the following subsections:—

Power to Minister to grant leases of unoccupied lands.

“(2) Leases under this Act may be of the several kinds set forth hereunder, namely:—

- (a) Mineral leases;
- (b) Coal leases;
- (c) Stone leases; and
- (d) Oil leases.

“(2A) A lease under this section may be granted so as to comprise an area not exceeding—

- (a) in the case of a mineral lease, eighty acres;
- (b) in the case of a coal lease, six hundred and forty acres;

- (c) in the case of a stone lease, three hundred and twenty acres; and
- (d) in the case of an oil lease, such area as the Minister may determine in each case and as may be specified in the lease.”.

Leases of lands other than unoccupied lands.

**8** Section twenty-nine of the Principal Act is amended by inserting in subsection (1) thereof, after the words “in the case of”, the words “oil leases, at such rate as the Minister may, in each case, determine, and in the case of”.

Royalty in the case of an oil lease.

**9** Section thirty of the Principal Act is amended by omitting from subsection (1) thereof the word “five” and substituting therefor the word “ten”.

Effect of leases.

**10** Section thirty-one of the Principal Act is amended by adding at the end thereof the following subsection:—

“(4) Subject to this section, an oil lease authorizes the holder thereof to mine, take, remove, and dispose of—

- (a) such class or kind of oil occurring on or under the land comprised therein as is specified in the lease; and
- (b) any helium found in association with that oil.”.

Applications for leases.

**11** Section thirty-two of the Principal Act is amended by omitting subsection (3) thereof and substituting therefor the following subsection:—

“(3) Every applicant for a lease—

- (a) shall take possession of; and
- (b) except as provided by or under this Act, shall mark out,

the land in respect of which his application is made, in such manner and at such time as may be prescribed, and shall lodge his application within the prescribed time.”.

Covenants and conditions of leases.

**12** Section forty-six of the Principal Act is amended—

- (a) by omitting paragraph III of subsection (1) thereof; and
- (b) by omitting from sub-paragraph (b) of paragraph IV of that subsection the words “or an oil lease”.

**13** After section forty-six of the Principal Act the following section is inserted:—

“46A—(1) Within six months after the date of commencement of an oil lease, or within such further time as the Director may allow, the lessee shall—

- (a) if on that date no outfit or equipment suitable for drilling on the land comprised in the lease is installed to the satisfaction of the Director, install such an outfit and such equipment to the satisfaction of the Director; and

Special provisions relating to oil leases.  
Cf. No. 58 of 1940 (S.A.), s. 36.

(b) commence to drill, by a method approved by the Director, at least one well.

“(2) Where, before the date of commencement of an oil lease, a well has been drilled on the land comprised in the lease, the Director may exempt the lessee from compliance with subsection (1) of this section.

“(3) The lessee under an oil lease shall, during the term of the lease, diligently and continuously carry on drilling operations in a workmanlike manner so that the land comprised in the lease will be developed in accordance with good oil field practice to the satisfaction of the Director, and shall continue to drill each well with diligence to a depth at which oil is produced, or at which the Director is satisfied that the well is unsuccessful.

“(4) Where a well is drilled to production, the lessee shall, except during any period during which the Director authorizes a temporary suspension of operations, continue to produce oil until such time as he satisfies the Director that further production is not practicable.

“(5) An oil lease is, by virtue of this subsection, liable to forfeiture for any contravention by the lessee of, or failure by the lessee to comply with, any provisions of this section that are applicable to him.”.

**14** Section forty-seven of the Principal Act is amended by omitting subsection (2) thereof and substituting therefor the following subsection:—

Date and commencement of leases and payment of rent, &c.

“(2) On and after the date of commencement of a lease, the lessee and his assigns are subject to, and bound by, all the covenants and conditions therein contained or implied, whether or not the lease has been executed by the parties thereto or any of them.”.

**15** Section fifty-five of the Principal Act is amended by inserting in subsection (1) thereof, after the word “forty-six,” the words “or, in the case of an oil lease, is liable to forfeiture by virtue of the provisions of subsection (5) of section forty-six A,”.

Forfeiture for non-payment of rent or royalty, &c.

**16** Section fifty-six of the Principal Act is amended—

(a) by inserting in subsection (1) thereof, after the word “lease”, the words “(other than an oil lease)”, and by omitting from that subsection the words “hereinafter provided” and substituting therefor the words “provided by section fifty-seven”;

Application for forfeiture on grounds other than non-payment of rent or royalty.

(b) by inserting after that subsection the following subsection:—

“(1A) Where an oil lease is liable to forfeiture for breach of any covenant or condition thereof, or by virtue of the provisions of subsection (5) of section forty-six A, any person may apply to a warden for the forfeiture thereof as provided by section fifty-seven.”; and

(c) by omitting from subsection (2) thereof the words "Every such application" and substituting therefor the words "An application under this section".

Entry,  
search, and  
possession.

**17** Section seventy-one of the Principal Act is amended by inserting after subsection (1B) thereof the following subsection:—

"(1C) No person to whom a consent under subsection (1) of this section is granted shall mine any mining product upon the land to which the consent relates except under and in conformity with the covenants and conditions of a lease of the appropriate kind under this Act."

Limitation of  
right of  
appeal.

**18** Section one hundred and fourteen of the Principal Act is amended by inserting therein, after the word "warden" (first occurring), the words "or of the Director".

Offences.

**19** Section one hundred and eighteen of the Principal Act is amended by omitting from paragraphs II and III of subsection (2) thereof the words "mineral, coal, or oil" (wherever occurring) and substituting therefor, in each case, the words "mining product".

**20** After section one hundred and twenty of the Principal Act the following section is inserted in Part XV:—

Provisions as  
to marking  
out where  
land is  
covered by  
the sea.

"121—(1) Where the whole of the area in respect of which an application for a licence or lease is made is covered by the sea or by the waters of any lake, pond, river, or stream, it is not necessary for the applicant to mark out that area; but in such a case the applicant shall give such public notice of his application, and shall comply with such other conditions (if any) in lieu of marking out, as may be prescribed.

"(2) Where part only of the area in respect of which an application for a licence or lease is made is covered by the sea or by the waters of any lake, pond, river, or stream, it is a sufficient compliance, in relation to that area, with the provisions of this Act requiring the marking out of areas if such part of that area as is not so covered is marked out to such extent, and in such manner, as is prescribed."

Power of  
Minister to  
revoke leases  
and licences.

**21** Section one hundred and thirty-one C of the Principal Act is amended by inserting in subsection (1) thereof, before the words "the Minister", the words "or, in the case of an oil lease, that the lessee has contravened or failed to comply with any of the provisions of section forty-six A that are applicable to him,".

Adaptation of  
amendments  
to reprint of  
Principal Act.

**22**—(1) On and after the date of the reprinting of the Principal Act—

- (a) this Act is to have effect subject to the modifications specified in subsection (2) of this section; and
- (b) the Principal Act, as amended by this Act, shall be construed accordingly.

(2) On and after the date referred to in subsection (1) of this section—

(a) section twelve of this Act is to have effect as if—

- (i) from paragraph (a) thereof the symbol “III” were omitted and the symbol “(c)” were substituted therefor; and
- (ii) from paragraph (b) thereof the symbols “(b)” and “IV” were omitted and the symbols “(ii)” and “(d)”, respectively, were substituted therefor; and

(b) section nineteen of this Act is to have effect as if the symbols “II” and “III” were omitted therefrom and the symbols “(b)” and “(c)”, respectively, were substituted therefor.

(3) The Principal Act and this Act are, by force of this subsection, amended to such extent as may be necessary to give effect to the foregoing provisions of this section.

(4) Subject to this section, the provisions of this Act remain in full force and effect as if this section had not been enacted.

---

## TRAFFIC.

---

No. 18 of 1962.

AN ACT to amend the *Traffic Act 1925*.

[10 May 1962.]

**B**E 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 *Traffic Act 1962*.

Short title  
and citation.

(2) The *Traffic Act 1925*, as subsequently amended, is in this Act referred to as the Principal Act.

**2** Section thirty-one of the Principal Act is amended by adding at the end thereof the following subsections:—

Traffic  
regulations.

“(4) Any regulations under this section regulating or restricting the weight of any vehicle (either generally or on any particular street or in any particular circumstances) may prescribe that the penalty for any breach of those regulations shall be a sum not exceeding one hundred pounds (or such lesser sum as may be prescribed in the regulations) together with an additional sum not exceeding a sum calculated, in the manner prescribed in the regulations, with reference to the weight of the vehicle in respect of which the contravention was committed.