

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

“(5A) Notwithstanding the provisions of subsection (5) of this section, if at any time he considers it necessary or desirable so to do, the Governor may, in accordance with the provisions of subsection (2) of section five of the *Public Service Act 1923*, by proclamation declare that the provisions, or any specified provisions, of that Act shall apply to all or any of the officers, employees, and servants of the organization, and thereupon the officers, employees, or servants to whom the proclamation relates shall, while the proclamation remains in force, be deemed to be subject to the provisions of that Act or to such of those provisions as are specified in that behalf in the proclamation.”.

MINING.

No. 55 of 1966.

AN ACT to amend the *Mining Act 1929* and to modify it in its application to certain land in the neighbourhood of Boobyalla.

[12 December 1966.]

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 1966*.

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

(3) Section three shall be deemed to have come into effect on the commencement of the *Mining Act 1958*.

Short title,
citation, and
commence-
ment.

2 Section two of the Principal Act is amended—

Interpreta-
tion.

- (a) by inserting in the definition of “coal” in subsection (1), after the word “includes”, the words “peat and”;
- (b) by omitting the definition of “mine” in that subsection and substituting therefor the following definition:—
“‘mine’ means—
(a) when used as a substantive, any mining tenement and any other place at, in, on, or under which mining operations are or have been carried on for the purposes of searching for, or winning from the earth, any valuable substance; and
(b) when used as a verb, disturb, remove, carry, wash, sift, smelt, refine, crush, or otherwise deal with any mining product for mining purposes;”;
- (c) by omitting from the definition of “mineral” in that subsection the words “(not being of animal or vegetable origin)”;
- (d) by inserting in the definitions of “mining purposes” and “mining operations” in that subsection, after the words “for the purpose of”, the words “searching for any mining product or of”;
- (e) by omitting from the definition of “private land” in that subsection the words “(as defined in this section)” and substituting therefor the words “within the meaning of this Act”; and
- (f) by omitting from that subsection the definition of “stone” and substituting therefor the following definition:—
“‘stone’ means any clay, sand, gravel, serpentine, gabbro, dolerite, basalt, slate, granite, freestone and any other building stone;”.

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

“2AB—(1) This Act extends to—

Application
of Act
territorially.

- (a) all lands (whether covered by the sea or not) that lie 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 of Greenwich; and

- (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.

“(2) This Act has effect in relation to any land covered by the sea or waters within the ebb and flow of the tides (not being land vested in a person other than the Crown) as if that land were land of the Crown in this State, and references in this Act to Crown land shall be construed accordingly.”.

Certain substances the property of the Crown.

4 Section two B of the Principal Act is amended by omitting subsection (5) and substituting therefor the following subsection:—

“(5) The provisions of this section apply to all the lands referred to in subsection (1) of section two AB and all oil, helium, and atomic substances existing in a natural state on or under those lands.”.

Coal and oil licences.

5 Section fourteen of the Principal Act is repealed.

Effect, &c., of prospector's licence.

6 Section fifteen of the Principal Act is amended—

- (a) by omitting from subsection (1) the words “, other than a coal and oil licence,”;
- (b) by omitting subsection (5); and
- (c) by omitting from subsection (6) the words “for which such licence authorizes him to search”.

Taking up successive claims.

7 Section twenty-three of the Principal Act is amended by omitting the words “(not being a coal and oil licence)”.

Surrender of leases.

8 Section fifty of the Principal Act is amended—

- (a) by omitting subsection (2); and
- (b) by omitting subsections (4) and (5) and substituting therefor the following subsections:—

“(4) An application for the surrender of a lease shall be made by lodging with the Director a deed of surrender in the prescribed form together with, if the application is conditional on the granting of a new lease, the application for that new lease.

“(5) Where the Governor consents to a surrender of a lease (other than a surrender that is conditional on the grant of a new lease) that lease shall thereupon be deemed to have been surrendered.

“(6) Where a surrender of a lease is conditional upon the granting of a new lease the granting of that new lease operates as a surrender of the lease sought to be surrendered.

“(7) Consent shall not be given to a surrender of a lease that is conditional on the granting of a new lease unless the rent

accruing due under the lease to the first day of the month in which the surrender is lodged with the Director has been paid, and consent shall not be given to a surrender of any lease unless reasons for the surrender satisfactory to the Minister are submitted therewith.”.

9—(1) For the purposes of this section a prescribed area is any area contained within the boundary lines delineated on the map contained in the schedule.

Application
of Principal
Act to
certain lands
at Boobyalla.

(2) This section applies to—

(a) all lands within the prescribed areas that, immediately before the commencement of this Act, were vested in the Crown; and

(b) all lands within those areas that, at any time after the commencement of this Act, become vested in the Crown for an estate in fee simple,

and when this section applies to any land it continues so to apply notwithstanding any subsequent alienation or disposal of, or other dealing in, that land.

(3) The following provisions of the Principal Act do not apply to lands to which this section applies, that is to say:—

Subsection (4) of section seventy;

Section seventy-five; and

Subsection (2) of section seventy-six,

and those lands shall be deemed not to be private lands for the purposes of section eighty-two E of that Act.

10—(1) Subject to this section, nothing in this Act affects any lease or licence granted before the commencement of this Act or any rights, duties, liabilities, or obligations arising thereunder or in connection therewith.

Effect on
existing
leases, &c.

(2) Where a stone lease granted before the commencement of this Act is renewed after that commencement any reference in that lease to stone shall, after that renewal, be construed as a reference to stone as defined in the Principal Act as amended by this Act.

(3) Instead of granting a renewal of a stone lease granted before the commencement of this Act the Minister may, if he thinks fit, on the application of the holder of that stone lease, grant to him a mineral lease of the whole or any part of the land that was subject to the stone lease, as may be agreed between him and the holder of that lease.

THE SCHEDULE.

(Section 9.)

MAP SHOWING THE BOUNDARIES OF THE PRESCRIBED
AREA.