

in relation to that supply, the council may cut off or close any of the pipes or means by or through which water is supplied by the council to that person or for his use, and may cease to supply him with water so long as the failure or contravention continues, and neither the closing or cutting off of pipes or means nor the cessation of the water supply relieves any person of his liability to pay any rates or charges during the period of cessation, or prejudices any proceedings which may be taken against him in respect of the failure or contravention.

“ 17 No penalty or liability is incurred by, or enforceable against, the council in respect of any failure by the council to supply any water to any person who would ordinarily be entitled thereto or of any restriction in that supply if the failure or restriction is caused by— Indemnity. Ibid., s. 212.

- I Drought or other unavoidable cause, or by accident:
- II The necessity for alterations in, or additions or repairs to, any waterworks: or
- III The cutting off of the supply under any of the provisions of this Act.

“ 18 The council may make by-laws for the purposes of this Act.” By-laws.

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## MINING.

No. 70 of 1958.

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AN ACT to amend the *Mining Act 1929*.  
[19 December 1958.]

**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 1958*.

(2) The *Mining Act 1929*, 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.

Short title,  
citation, and  
commence-  
ment.

## Repeal.

**2** Sections thirty-three, thirty-four, thirty-six, forty-three and forty-four of the Principal Act are repealed.

## Interpretation.

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

(a) by inserting after the definition of “Machinery” the following definition:—

“ ‘Mark out’, used in relation to an area of land, means—

I To set up a datum post as prescribed bearing the prescribed information to give the prescribed indication, if any, of the boundaries of the area: or

II To mark a tree at least six inches thick as prescribed with the prescribed information to serve as a datum post, and to give the prescribed indication, if any, of boundaries of the area.”;

(b) by omitting the definition of “Mining tenement” and substituting therefor the following definition:—

“ ‘Mining tenement’ means land held under a lease or other instrument issued under this Act and includes land occupied under any such instrument.”; and

(c) by adding at the end thereof the following subsection:—

“(2) Section two of the *Mines and Works Regulation Act 1915* does not affect the construction of any section of this Act, and this section does not affect the construction of that Act or of any expression defined in section two of that Act.”.

Power to appoint Director, wardens, and other officers and deputies.

**4** Section ten of the Principal Act is amended—

(a) by inserting in subsection (1) thereof, after the word “may” (first occurring), the words “, under and in accordance with the provisions of the *Public Service Act 1923*,”; and

(b) by omitting subsection (2) and substituting therefor the following subsections:—

“(2) The Minister may, on the recommendation of the Director, engage and discharge such casual or part-time officers and servants as he may think necessary for the purposes of the administration of this Act.

“(2A) Officers and servants who are engaged under the authority of subsection (2) of this section shall be paid such remuneration, and shall hold office on such terms and conditions, as the Minister may determine.”.

**5** Section thirteen of the Principal Act is amended by omitting subsection (2) and substituting therefor the following subsection:—

Issue of prospectors' licences and miners' rights, and renewals thereof.

“(2) The documents referred to in subsection (1) of this section may be issued by the Director, or by the registrar, or by some person authorized by the Director in that behalf.”.

**6** Section fifteen of the Principal Act is amended by omitting subsections (3), (4), (4A), and (4B).

Effect of, and provisions as to, prospector's licence.

**7** After section fifteen of the Principal Act the following sections are inserted:—

“15A—(1) Upon the recommendation of the Director and upon being satisfied as to the ability of the applicant to prospect the claim effectively and to employ in connection therewith such number of men as the Minister thinks necessary for that purpose, the Minister may grant to any person a special prospector's licence in respect of such area of land, not exceeding twenty-five square miles, as the Minister may think fit.

Special prospector's licence.

“(2) A special prospector's licence—

- I Continues in force for such term, not exceeding six months, as the Minister may think fit:
- II May be granted upon and subject to such conditions, if any, as the Minister may determine:
- III Authorizes the holder thereof in accordance with the regulations to hold the area described therein as a prospecting claim and to prospect and search therein for the mining products therein specified: and
- IV Authorizes the holder thereof and his agents, servants, and workmen on his behalf to dig, bore, sink, and mine so far as may be necessary for prospecting purposes in and upon the claim and take and remove therefrom, for testing purposes only, such quantity as may be prescribed of any mining product for which the licence authorizes him to search.

“(3) There is payable in respect of the issue or extension of a special prospector's licence a fee calculated at the rate of ten shillings for each square mile or part thereof of land comprised in the licence.

“(4) For the purposes of this section, the expression ‘prospecting purposes’ includes the carrying out of aerial, geological, and geophysical surveys.

Exploration  
licences.

Cf. No. 36 of  
1936 (W.A.),  
ss. 32 to 41.

“15B—(1) Subject to this section, the Minister may, on the recommendation of the Director, grant to a person who applies therefor a licence, to be known as an exploration licence.

“(2) An application for an exploration licence shall be made to the Director in writing, in a form approved by the Minister, and shall be accompanied by a written statement containing particulars of the programme of work proposed to be undertaken by the applicant if the licence is granted and such other particulars (if any) as may be prescribed or as the Director may require.

“(3) An exploration licence—

- I Has effect in relation to such area, and for such period, as the Minister may determine:
- II Shall be granted upon and subject to such terms and conditions as are prescribed in this section and such other terms and conditions (including conditions as to the fees and rent to be paid by the holder thereof) as the Minister may determine: and
- III While in force, has effect to authorize the holder thereof, subject to the observance of the terms and conditions thereof and to the provisions of this Act, to enter upon and pass over or across Crown lands and, subject to subsection (5) of this section, private lands, within the area to which it relates, and to prospect and search thereon for such mining products as may be specified in the licence, and to do all such other acts and things as may reasonably be necessary to enable the holder thereof to engage in large-scale exploration work.

“(4) The holder of an exploration licence shall, subject to this Act—

- I Engage, to the satisfaction of the Minister, in such aerial, geological, or geophysical surveys and exploration as the Minister may direct or approve:
- II Furnish the Director with such periodical reports and returns as the Minister may direct or approve: and
- III Keep an adequate record of all operations conducted under the authority of the licence, and at all reasonable times permit the Director, or any officer authorized by the Director so to do, to examine those records and inspect any specimens or materials obtained in the course of those operations.

“(5) The holder of an exploration licence shall not enter on private land thereunder unless he has given security as provided in subsection (2) of section seventy, and, upon entering on private land, is subject to sections seventy-one and seventy-two as if his exploration licence were a permit under section seventy.

“(6) There is payable in respect of the issue of an exploration licence a fee calculated at the rate—

- I For the first twenty-five square miles of land comprised in the licence, ten shillings a square mile or part thereof: and
- II For every other square mile or part thereof of land so comprised, one shilling.

“15C—(1) A person who proposes to make an application for a special prospector’s licence or an exploration licence shall—

Provisions common to special prospector’s and exploration licences.

- I As prescribed, mark out the area in respect of which he proposes to make the application: and
- II Within seven days after marking out that area, give public notice, by advertisement in a newspaper, of his intention to make the application.

“(2) An advertisement under subsection (1) of this section shall specify the name of the applicant and the area in respect of which the application is proposed to be made and such other matters (if any) as may be prescribed.

“(3) A person who claims any estate or interest in any land within the area in respect of which an advertisement under subsection (1) of this section has been published may, as prescribed, object to the granting of the application to which the advertisement relates.

“(4) An objection under subsection (3) of this section shall be heard and determined by the warden unless the objection or the proposed application in respect of which it is made is withdrawn or abandoned.

“(5) Where two or more applications under section fifteen A or section fifteen B wholly or in part comprise the same land and all the applicants have complied with the requirements of this Act the applicant who first marked out the land has priority, and where two or more applications are based on simultaneous marking out the priority shall be determined as prescribed.

“(6) Upon application made in that behalf by the holder of a special prospector’s licence or of an exploration licence before the expiration of the period for which it is granted to have effect, the Minister may extend the licence for such further period or periods, and upon such conditions, as he thinks fit but so that, in the case of a special prospector’s licence, the aggregate period for which the licence is, and all extensions thereof are, granted, does not exceed twelve months.

“(7) Where a licence is extended pursuant to subsection (6) of this section, the Minister may—

- I On the recommendation of the Director, add to: or
  - II Reduce,
- the area of land comprised in the licence.

“(8) If the holder of a special prospector’s licence or of an exploration licence contravenes or fails to comply with any of the provisions of this Act or any of the terms and conditions to which the licence is subject, the Minister may, by notice in writing to the holder, revoke the licence.

“(9) With the consent of the holder of a special prospector’s licence or an exploration licence—

I A prospector’s licence, mining lease, water licence, or easement licence may be granted in respect of land comprised therein as if the special prospector’s licence or exploration licence did not exist: and

II A miner’s right may be exercised as if the land comprised in the special prospector’s licence or exploration licence were unoccupied land.

“(10) Special prospector’s licences and exploration licences may, with the consent of the Minister, be transferred as prescribed on payment of the prescribed fee.

“(11) Notwithstanding the provisions of subsection (4) of section thirteen, a company incorporated under the *Companies Act 1920* or the *Mining Companies Act 1884*, or registered under the *Mining Companies (Foreign) Act 1884*, may hold more than one special prospector’s licence or exploration licence at the one time.”.

Effect of  
miner’s  
right:  
Conditions as  
to private  
land.

**8** Section sixteen of the Principal Act is amended by omitting from paragraph I of subsection (1) the word “off” and substituting therefor the word “out”.

Duplicate  
licences or  
rights may be  
issued in  
certain cases.

**9** Section eighteen of the Principal Act is amended by omitting from subsection (1) the word “warden” and substituting therefor the word “Director”.

Claims  
deemed to be  
abandoned in  
certain cases.

**10** Section twenty of the Principal Act is amended by omitting from subsection (4) the words “which is apparently unoccupied and upon which there is no plant or machinery, and”.

Claims not to  
be held under  
both licences  
and rights.

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

“(4) If the holder of a special prospector’s licence or of an exploration licence, either alone or in conjunction with or on behalf of any other person, marks out the land comprised in his licence or any part thereof and applies for a lease thereof, or if application for a lease thereof is made by any other person with the consent of the holder, the licence is not thereby affected, but on the granting of the application the land comprised in the application ceases to be subject to the licence.”.

Exemptions  
from condi-  
tions in  
respect of  
claims.

**12** Section twenty-four of the Principal Act is amended—

(a) by omitting the word “warden” and substituting therefor the word “Director”; and

(b) by adding at the end thereof the following subsection:—

“(2) The Minister, on the recommendation of the Director, may grant to the holder of a special prospector’s licence or of an exploration licence exemption from any of the conditions thereof for such periods and subject to such conditions as he thinks fit.”.

**13** Section twenty-five of the Principal Act is amended by omitting from subsection (2) the third column of the table therein set forth.

Power to Minister to grant leases of unoccupied lands.

**14** Section twenty-nine of the Principal Act is amended by omitting from subsection (1) the words “appropriate rate specified in the third column of the table set forth in section twenty-five”, and substituting therefor the words “rate, in the case of mineral leases for mining minerals other than alluvial minerals, of ten shillings, and, in all other cases, five shillings,”.

Rents payable in respect of leases.

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

Royalty in addition in case of oil leases.

“(2) In respect of every stone lease for the taking of sand or gravel, in addition to the rent prescribed in section twenty-nine, the lessee shall pay, at the times and in the manner prescribed, a royalty at the prescribed rate on each cubic yard of sand or gravel taken under the lease.”.

**16** Section thirty-eight of the Principal Act is amended—

Power to Director to refuse applications in certain cases.

(a) by omitting the word “refuse” and substituting therefor the word “reject”;

(b) by omitting the word “or” at the end of paragraph I; and

(c) by adding at the end thereof the following paragraphs:—

“ III The land applied for is leased under this Act or is the subject of an application for such a lease or is otherwise occupied as a mining tenement or is the subject of a water licence: or

“ IV The application is in respect of private land on which, at the time the lease applied for is marked out, a person other than the applicant has a permit to prospect under section seventy or is occupied with the consent of the owner pursuant to section seventy-one.”.

Covenants  
and condi-  
tions of  
leases.

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

(a) by omitting paragraph IV of subsection (1) and substituting therefor the following paragraphs:—

“IV A covenant (in this Act referred to as a ‘labour covenant’) to employ—

- (a) In the case of a mineral lease or a stone lease, not less than one man for each ten acres, or part of ten acres, comprised in the lease: or
- (b) In the case of a coal lease or an oil lease, not less than one man for each eighty acres, or part of eighty acres, comprised in the lease:

“IVA If the lease is in a place considered by the Minister to be liable to erosion by wind or water if the surface is disturbed—

- (a) A covenant in such terms as the Minister thinks fit to prevent consequent erosion of the demised premises and adjoining land:
- (b) A condition that the lessee will, before beginning work on the demised premises, deposit in the Treasury such sum of money as the Minister thinks fit for the purposes of subparagraph (c) of this paragraph: and
- (c) A proviso that upon forfeiture of the lease for breach of the covenant mentioned in this paragraph—
  - (i) The Minister may, at the expense of the lessee, remedy any damage done by the breach and may use the whole or part of the sum deposited to pay for that work:
  - (ii) The lessee shall be liable to pay the cost of the work so far as it exceeds the deposit or shall be entitled to the return of so much of the deposit as is not so used: and

(iii) On the termination of the lease otherwise than by that forfeiture the lessee shall be entitled to the return of the deposit less any amount then due to the Minister under the lease:";

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

“(1A) For the purposes of paragraph IV of subsection (1) of this section—

I During the first twelve months after the commencement of a lease, it is a sufficient compliance with the provisions of that paragraph if the lessee employs not less than one-half of the appropriate number of men required by that paragraph to be employed by him:

II Except in the case of a stone lease, where the Director grants the lessee an exemption from the operation of this paragraph, the lessee shall ensure that each man employed by him is continuously employed for forty hours in each week:

III In the case of a stone lease, except where the Director grants the lessee an exemption from the operations of this paragraph, the lessee shall ensure that at least one man is continuously employed by him for a period of not less than three months in the aggregate in each period of twelve months during the term of the lease: and

IV Where the lessee uses steam power, water power, electric power, or other power, or horses for driving or propelling machinery, each ten units of horsepower or each horse so used, as the case may be, shall be deemed to be equivalent to the employment of one man.”; and

(c) by omitting from subsection (2) the words “and conditions”.

**18** Section forty-seven of the Principal Act is amended by adding at the end thereof the following subsections:—

“(15) Where for any reason a survey is required for the better ascertainment of the demised premises they may, in a lease under this Act, be described in any convenient way, adding the words ‘subject to survey’.

Date and commencement of lease, &c.

“(16) Where the demised premises are made subject to survey under subsection (15) of this section, the Minister shall, on completion of the survey, cause a deed supplemental to the lease to be prepared, setting forth the description of the demised premises as so ascertained.

“(17) Subsections (2), (3), and (4) of section forty-five apply to a supplemental deed under this section as if it were a lease, and upon its execution by the Minister the description therein supersedes that in the lease.”.

Lessee  
entitled in  
certain cases  
to renewal  
of lease.

**19** Section fifty-one of the Principal Act is amended—

- (a) by inserting in subsection (4), after the word “Governor,” the words “and on the recommendation of the Director,”;
- (b) by inserting in subsection (5), after the word “Governor,” the words “and on the recommendation of the Director,”; and
- (c) by omitting subsection (6).

Exemptions.

**20** Section fifty-three of the Principal Act is amended—

- (a) by omitting from subsection (1) the word “warden” and substituting therefor the word “Director”;
- (b) by omitting from that subsection the word “expenditure” and substituting therefor the word “labour”;
- (c) by omitting from subsection (2) the word “warden” and substituting therefor the word “Director”;
- (d) by omitting paragraph I of subsection (4) and substituting therefor the following paragraph:—  
“I The extent to which the lessee is relieved from the obligations imposed by the labour covenant.”;
- (e) by omitting paragraph III of that subsection; and
- (f) by omitting subsection (5).

**21** Section fifty-four of the Principal Act is repealed and the following section is substituted therefor:—

“54 Upon the granting of a certificate of exemption pursuant to section fifty-three, the lessee to whom it is granted shall be deemed to be relieved, to the extent specified in the certificate, from his obligations under the labour covenant.”.

Effect of  
exemption.

Conditions of  
application.

**22** Section sixty-one of the Principal Act is amended—

- (a) by omitting from subsection (2) the word “expend” and substituting therefor the word “employ”;
- (b) by omitting from that subsection the words “an amount equal to a year’s expenditure in accordance with the expenditure” and substituting therefor the words “labour in accordance with the labour”; and

- (c) by omitting from subsection (3) the words “expended, or substantially expended, in relation to that land the amount” and substituting therefor the words “employed or substantially employed in relation to that land the labour”.

**23** Section sixty-three of the Principal Act is amended— Disposal of lessee's property left on land.

- (a) by inserting in subsection (1), after the word “on” (first occurring), the words “or in”;
- (b) by omitting from subsection (3) the words “permit shall be granted under subsection (4) hereof” and substituting therefor the words “part of the land shall be let under this section”;
- (c) by omitting subsections (4), (5), (6), (7), and (8) and substituting therefor the following subsections:—

“(4) The Minister may let so much of the land formerly demised as he considers necessary from quarter to quarter at the rent per acre applicable to the former lease or of ten shillings a quarter, whichever is the greater, payable in advance, on such conditions as he thinks fit, to a person entitled to remove property under subsection (1) of this section for the purpose of—

- I Keeping thereon the buildings and machinery: or  
 II Treating thereon the mining products,

that he is entitled to remove.

“(5) A demise for the purposes—

- I Of paragraph I of subsection (4) shall be called a ‘storage lease’:  
 and  
 II Of paragraph II of that subsection shall be called a ‘treatment lease’.

“(6) An application for a lease under this section shall be made to the Director before the expiration of the six months allowed by subsection (1) of this section.

“(7) Where a lease is granted under this section—

- I The Minister may, if he is satisfied that the lessee has failed to comply with any condition of the lease, re-enter on the demised land and determine the lease:  
 II A counterpart of the lease need not be executed but a copy of the lease retained by the Minister shall be deemed to be a counterpart duly executed by the lessee: and  
 III The lessee may, before the determination of the lease, remove any

property that he would have been entitled to remove under subsection (1).

“(8) If—

I On the expiration of the six months allowed by subsection (1) or the time limited under subsection (3), as the case may be: or

II Where a lease has been granted under this section, on the determination of the lease,

any property that might have been removed under subsection (1) and that remains on the land vests in and belongs to His Majesty absolutely.”; and

(d) by omitting subsection (11).

Licences generally.

**24** Section sixty-six of the Principal Act is amended—

(a) by omitting subsection (2) and substituting therefor the following subsection:—

“(2) The consideration for any such licence shall be a yearly rent or payment, or both, as prescribed in respect of the kind of licence granted.”; and

(b) by adding at the end thereof the following subsection:—

“(9) The Director may grant to the holder of a water licence or easement licence exemption from the obligation to use that licence for the purposes for which it was granted for such period and subject to such conditions as may be prescribed, and non-user during the currency of any such exemption shall be disregarded for the purposes of subsection (8) of this section.”.

Warden may issue permits to enter and prospect, &c.

**25** Section seventy of the Principal Act is amended—

(a) by omitting from subsection (1) the word “warden”, and substituting therefor the word “Director”;

(b) by omitting subsection (2) and substituting therefor the following subsection:—

“(2) Before issuing any such permit the Director may require that person to deposit with the Director such sum of money or other security as the Director may think necessary as security for the payment by that person to the owner and occupier, or either of them, of compensation for any damage that may be done by that person to the land in the exercise of the powers conferred by the permit.”;

(c) by omitting from subsection (5) the words “upon the certificate of the Director that prospecting operations have been carried on by the holder of the permit in good faith and in accordance

with the prescribed conditions, the warden ” and substituting therefor the words “ the Director, if he is satisfied that prospecting operations have been carried on by the holder of the permit in good faith and in accordance with prescribed conditions,”;

- (d) by omitting subsection (6) and substituting therefor the following subsection:—

“(6) The holder of a permit under this section shall begin to prospect in accordance with his permit within seven days after its issue and during the period for which the permit is issued no other person, other than the owner of mining products prospecting therefor, may prospect the land subject to the permit for any mining products specified therein.”; and

- (e) by omitting subsection (8).

**26** Section seventy-one of the Principal Act is amended by omitting from subsection (1A) the words “ the owner and occupier of the land affected thereby and ” and the word “ each ”.

Entry, search, and possession.

**27** Section seventy-one A of the Principal Act is amended by omitting the word “ warden ” and substituting therefor the word “ Director ”.

Power of warden to cancel permit or consent in certain cases.

**28** Section seventy-two of the Principal Act is amended—

Compensation for damage.

- (a) by inserting in subsection (1), after the word “ seventy-one ”, the words “ or by the holder of an exploration licence ”;

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

“(4) Where compensation is determined by the warden or warden’s court and money or other security has been deposited under section seventy the warden may give the person entitled to the compensation a warrant under his hand authorizing the Director, out of the deposit, to pay to that person a sum to be stated in the warrant.

“(4A) On receipt of a warrant under subsection (4) of this section, the Director shall forthwith pay the person to whom it was given any money so deposited up to the amount stated in the warrant, and if and so far as the money is insufficient to satisfy the warrant shall, on seven days’ notice in writing to the depositor at the address stated by him when making the deposit, redeem, sell and convert into money all or sufficient of the securities so deposited and not redeemed and out of the proceeds of redemption or sale satisfy the warrant so far as he can.

“(4B) A warrant under this section is satisfaction of compensation only so far as it is satisfied by the Director.”; and

- (c) by omitting subsection (6) and substituting therefor the following subsection:—

“(6) When money or any other security deposited under section seventy by a person can no longer be resorted to for compensation, the Director may return the deposit to the person by whom it was made, his executors, administrators, or assigns, or so much of it as has not been paid out in compensation.”.

Licences in respect of private land.

**29** Section seventy-six of the Principal Act is amended by adding at the end thereof the following subsection:—

“(5) A permit to enter on private land and mark out a portion thereof for the purpose of an application for a water licence or an easement licence may be issued by the Director, and section seventy applies in respect of such a permit as nearly as possible.”.

Conditions relating to tributes.

**30** Section eighty of the Principal Act is amended—

- (a) by omitting from subsection (3) the word “warden” (wherever occurring) and substituting therefor, in each case, the word “Director”;
- (b) by omitting from subsection (4) the word “warden” and substituting therefor the word “Director”;
- (c) by omitting from that subsection the words “in the warden’s office” and substituting therefor the words “as prescribed”;
- (d) by omitting from subsection (5) the word “warden” (wherever occurring), and substituting therefor, in each case, the word “Director”;
- (e) by omitting subsection (7).

**31** After section eighty-two of the Principal Act the following sections are inserted in Part IX:—

Land applied for protected.  
No. 3787  
(Vict.), s. 101.  
Geo V No. 71, s. 34. Cf. 20

“82A—(1) An applicant for a lease or licence under this Act shall, before making his application, mark out the land to which his application relates as prescribed in respect of the kind of lease or licence to be applied for.

“(2) If a person who has not previously been in lawful occupation of land to which such an application relates enters upon, occupies, or in any way interferes with that land unless thereto authorized by the warden, his entry, occupation, or interference shall be deemed to be a trespass or encroachment within the jurisdiction of the warden’s court, and the applicant may proceed therefor, and for damages in respect

of the trespass or encroachment, and for the recovery of any mining products to which the application relates taken by that person out of the land, or of the value thereof, as provided in this Part.

“(3) In proceedings under subsection (2) of this section, the applicant shall prove that he has complied with the regulations in force and applicable for the time being to the kind of lease or licence applied for so far as those regulations have been at the time of the entry, occupation, or interference capable of being complied with.

“(4) Notwithstanding any decision in any proceedings under subsection (2) of this section, the applicant is not entitled to have delivered to him any mining products thereunder or to receive payment of, or to levy, the amount of the value thereof or of any damages awarded to him, until it has been decided to grant his application for the lease or licence, but the mining products or the amount of damages shall, until the application is determined, be lodged with the Director, and if the application is determined in favour of the applicant shall be delivered or paid to him, and if otherwise to the person from whom they were recovered.

“(5) In proceedings under subsection (2) of this section, the applicant is not prejudiced by failure to comply with a regulation if the court is satisfied that there has been substantial compliance with all material requirements of the regulations and that the other party has not been prejudiced or misled by the failure.

“(6) The warden may give his authority for the purposes of subsection (2) of this section in such cases only as may be prescribed and on such conditions as he may think fit.

“82B—(1) An application for a lease or licence under this Act shall be deemed to be pending from the marking out of the land until the application—

Pendency of applications.

- I Is granted:
- II Is rejected or refused:
- III Has lapsed: or
- IV Has been withdrawn.

“(2) An application for a lease or licence under this Act lapses if it is not determined within a period of twelve months after the marking out, unless the Minister is satisfied—

- I That the failure to determine the application has not been caused by default on the part of the applicant: or
- II That there is good and sufficient reason for extending the period,

in either of which cases he may extend the period for such time as he thinks fit.

“82C—(1) An applicant for a lease or licence under this Act may transfer his application at any time during the pendency thereof upon payment of the prescribed fee and subject to such conditions as may be prescribed.

Transfer of application.  
*Ibid.*, s. 33.

“(2) On and after the time when any such transfer is recorded in the office of the Director, the transferee therein named shall take the place of, and be deemed to be, the applicant in respect of the subject-matter of the application.

Priority of applicants.  
*Ibid.*, s. 36.

“82D—(1) Where two or more applications for a lease or licence under this Act, wholly or in part, comprise the same land, and all the applicants have complied with the requirements of this Act, the applicant who first marked out the land has priority.

“(2) Where any such applications are based upon simultaneous marking out, the priority shall be determined as prescribed.”.

Power of Minister to revoke leases and licences.

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

“(3) Notwithstanding anything in subsection (1) of this section, the Minister may take proceedings in the warden’s court for forfeiture as nearly as possible in accordance with sections fifty-six and fifty-seven.

“(4) Nothing in this Act takes away the right of the Crown in cases of forfeiture apart from this Act.”.

Regulations.

**33** Section one hundred and thirty-two of the Principal Act is amended by inserting in sub-paragraph (a) of paragraph IV of subsection (2), after the word “out”, the words “(with power to prescribe a system of marking out using only one peg)”.

Transitory provisions to increase existing rents.

**34** In respect of every lease under which the rent was governed by the third column of the table set forth in section twenty-five of the Principal Act (being the column omitted by section thirteen of this Act) additional rent accrues, and shall be paid from the commencement of this Act, of such amount that, together with the rent reserved by the lease, the total rent will be that required by section twenty-nine of the Principal Act, as amended by this Act.

## CROWN LANDS.

No. 71 of 1958.

### AN ACT to amend the *Crown Lands Act 1935*. [19 December 1958.]

**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 and citation.

**1**—(1) This Act may be cited as the *Crown Lands Act 1958*.

(2) The *Crown Lands Act 1935*, as subsequently amended, is in this Act referred to as the Principal Act.