

its distribution system would be insufficient to meet the capital and maintenance charges in respect of the extension, the Commission may—

- (a) defray the capital cost of the extension—
- (i) wholly from moneys available to the Commission from the Loan Fund; or
  - (ii) wholly out of the rural extension reserve fund,
- or partly from those moneys and partly out of that fund in such proportions as the Commission may determine; and
- (b) defray out of the revenues of the Commission the annual capital charges and the cost of working and maintenance in respect of the extension.”.

**4** All sums of money contributed, pursuant to section thirty-two of the Principal Act, by the State before the commencement of this Act towards the capital cost of extensions of the Commission's distribution system shall be deemed to be loans by the State to the Commission and to form part of the additional loans (within the meaning of Part IV of that Act), and the provisions of that Part relating to the additional loans and the payment of interest and moneys by way of reimbursement of sinking fund payments in respect thereof apply to and in relation to those sums accordingly.

Certain payments by the State to be deemed to form part of "the additional loans".

**5** Notwithstanding any direction given by the Governor before the commencement of this Act under section thirty-two of the Principal Act or any other law to the contrary, any liability of the State to make contributions under that section in respect of any extension of the distribution system of the Commission shall be deemed to have ceased on the thirtieth day of June 1964, whether or not the extension in relation to which any such direction was given had been completed on that day.

Termination of State's liability to make certain contributions.

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## MINING.

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### No. 23 of 1964.

AN ACT to amend the *Mining Act 1929*.  
[23 October 1964.]

**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 *Mining Act 1964*.  
(2) The *Mining Act 1929*, as subsequently amended, is in this Act referred to as the Principal Act.

Short title and citation.

Special prospector's licence.

**2** Section fifteen A of the Principal Act is amended by omitting from paragraph (a) of subsection (2) the words “, not exceeding six months.”.

Provisions common to special prospector's and exploration licences.

**3** Section fifteen C of the Principal Act is amended—

(a) by omitting from subsection (6) the words “ 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 ”; and

(b) by inserting, after subsection (7), the following subsections:—

“(7A) Additional land may be included in a special prospector's licence or an exploration licence upon an application made in accordance with and subject to subsections (1) to (5) of this section as if it were a licence in respect of the additional land only.

“(7B) Upon an application for a special prospector's licence or an exploration licence the Minister may, on the recommendation of the Director, grant a licence of the other kind.

“(7C) The Minister may, on the recommendation of the Director, grant the holder of a special prospector's licence or an exploration licence a licence of the other kind for the same land and time and thereupon his former licence shall be void.”.

**4—(1)** Section thirty of the Principal Act is repealed and the following section is substituted therefor:—

Royalties.

“30—(1) In respect of mining products won under a lease, other than a lease of mining products otherwise alienated by the Crown, the lessee shall, in such cases as may be prescribed, pay a royalty of the prescribed rate at the times and in the manner prescribed.

“(2) The Minister may at his discretion forego or remit payments of royalty under this section.”.

(2) Until regulations are made for the purposes of section thirty as enacted by this section royalties are payable as if this section had not been enacted.

(3) The amendment of the Principal Act made by this section applies to existing leases where no royalties are payable as from the first day for payment of royalties prescribed for leases of the same kind.

(4) Section thirty of the Principal Act as repealed by this section shall be deemed to have been amended from its commencement by inserting in subsection (1), after the word “ value ”, the words “ at the well head ”, but all payment by way of royalty under that subsection accepted before the commencement of this section shall be deemed of sufficient amount.

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

- (a) by transposing the word “and” from the end of paragraph (d) of subsection (1A) to the end of paragraph (e) of that subsection; and  
 (b) by inserting at the end of that subsection the following paragraph:—

“(f) men employed by a sub-lessee, tributor, or contractor on a lease shall be deemed to be employed by the lessee.”

Covenants and conditions of leases.

**6** The heading of Division IV of Part V of the Principal Act is amended by omitting the words “*Amalgamation, transfer, and surrender of*” and substituting therefor the words “*Dealings with*”.

Division heading.

**7** Section forty-nine of the Principal Act is amended—

- (a) by inserting in subsection (1), after the word “may” (second occurring), the words “, with the consent of the Minister,”; and  
 (b) by adding the following subsections at the end thereof:—

“(5) A lease is assignable only under this section or by operation of law.

“(6) A person who becomes a lessee by operation of law, otherwise than under section twelve of the *Administration and Probate Act 1935*, shall notify the Minister of his succession in writing within fourteen days.”

Transfer of leases.

**8** After section forty-nine of the Principal Act the following sections are inserted:—

“49A A lessee shall not sub-lease without the consent in writing of the Minister, and shall within seven days after granting a sub-lease pursuant to such consent file a copy of the lease in the office of the Director and pay therewith a filing fee of one pound.

Sub-leases.

“49B An executor or administrator *cum testamento annexo* shall within seven days after assenting to a bequest of a lease give the Director notice thereof in writing.”

Testamentary dispositions.

**9** Section sixty-eight A of the Principal Act is repealed and the following section is substituted therefor:—

“68A—(1) Where a person to whom a water licence might be granted carries on mining operations near waterworks put in under a water licence and the Director is satisfied that it is necessary or convenient for that person in carrying on his mining operations to draw water from those waterworks, the Minister may, on the recommendation of the Director, grant that person a water licence that—

Secondary water licence.

- (a) authorizes and empowers the holder thereof and his servants and workmen on his behalf to take and divert water in the quantity and from the part of those waterworks specified in the licence;

- (b) is subject to this section; and
- (c) in other respects is subject to the other provisions of this Act for water licences.

“(2) A water licence granted under this section—

- (a) shall be known as a secondary water licence;
- (b) shall not be granted unless the Director is satisfied that—
  - (i) the rights conferred by the original water licence will not be prejudiced by the grant of the secondary water licence; and
  - (ii) the grant of the secondary water licence will not cause any loss of water to the original licensee;
- (c) shall, unless sooner revoked, continue in force for such period as is specified therein; and
- (d) may be revoked at any time by the Minister on the recommendation of the Director.

“(3) The holder of a secondary water licence shall make compensation for the use of his waterworks to the original licensee in money or work or both as—

- (a) may have been agreed in writing between them before the grant of the secondary water licence; or
- (b) if they have failed so to agree, may be determined by the warden or the warden’s court.

“(4) The Minister may on the recommendation of the Director in a secondary water licence give the holder thereof priority over other applicants if, on the determination of the original water licence otherwise than by reason of a forfeiture under section fifty-seven, he should apply in writing for so much of the rights conferred by the original water licence as he requires to continue the enjoyment of his secondary water licence.”

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## STAMP DUTIES.

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No. 24 of 1964.

AN ACT to amend the *Stamp Duties Act 1931*.  
[23 October 1964.]

**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 *Stamp Duties Act 1964*.