

TASMANIA.

THE AID TO MINING ACT, 1921.

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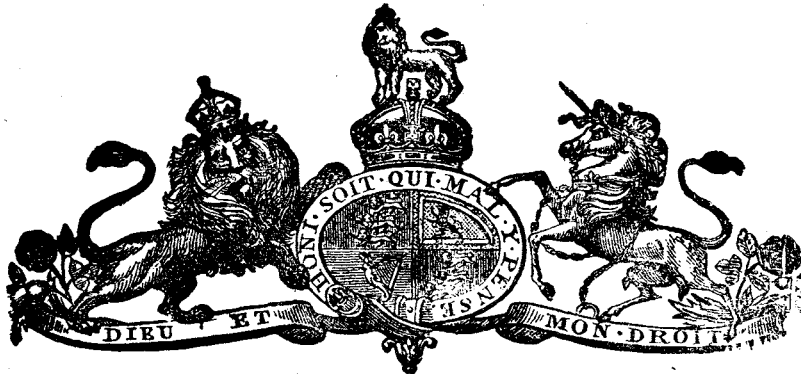
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T A S M A N I A.



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ANNO DUODECIMO

GEORGII V. REGIS.

No. 48.



AN ACT to consolidate and amend the Law relating to the Granting of Assistance to Miners and Prospectors, and the Provision and Administration of a Fund for that purpose. [30 January, 1922.]

A. D. 1921.

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 This Act may be cited as "The Aid to Mining Act, 1921," and is hereby incorporated, and shall be read as one with, "The Mining Act, 1917."

Short title and incorporation with 7 Geo. V. No. 62.

2 The Acts enumerated in Schedule (1) hereto are hereby repealed.

Repeal of Acts in Schedule (1).

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Division of Act.

3 This Act is divided into parts as follows :—

- Part I.—Mining on the Zeehan Field and proclaimed areas.
 Part II.—Special advances for mining.
 Part III.—Assistance for prospecting.
 Part IV.—Mining Trust Fund.
 Part V.—General.

PART I.**MINING ON THE ZEEHAN FIELD AND PROCLAIMED AREAS.**Application of
Part I.

Zeehan Field.

Other areas.

4—(1) This Part shall apply to all lands of the Crown whether vacant or held under any lease or licence granted for mining purposes under "The Mining Act, 1917," or any previous Act relating to mining and situate within a radius of Five miles from the principal post-office of the Town of Zeehan, and also to the whole of any land held under any such lease or licence which is partly within and partly without such radius of Five miles, all and every of which are herein called "The Zeehan Field."

(2) The Governor may, by proclamation at any time, and from time to time, extend the application of this Part to any other area or areas to be defined in any such proclamation, and may at any time revoke or vary any such proclamation.

Power for
Minister to carry
out objects of
this Part.

5—(1) The Minister may, from time to time, expend and apply the moneys provided under this Act for the purposes of this Part and may—

- i. Pay or expend, or cause to be expended, in such manner and under such supervision as he may think proper, such amounts as he may think necessary for assistance to miners and prospectors on the Zeehan Field or any proclaimed area :
- ii. Advance money by way of loan to lessees and tributers under this Part for such mining purposes and upon such terms and conditions as may be prescribed :
- iii. Employ such and so many persons as he may think necessary or desirable, at such wages or remuneration, and upon such terms and conditions as he may think proper :
- iv. Cause prospecting or mining operations to be undertaken and carried out on the Zeehan Field, or any part thereof, in such manner and upon such conditions as he may think proper or as may be prescribed :

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- v. Enter into any contracts for the performance of any work or the carrying out of any operations under this Part : A.D. 1921.
- vi. Do, execute, and perform all such acts, deeds, and things upon, under, or in relation to any Crown land in the Zeehan Field, or any proclaimed area, as he might do if he were the holder of a lease thereof under "The Mining Act, 1917" :
- vii. Enter upon any—
- (a) Crown land : or
 - (b) Land held under a mining lease with the consent of the holder of such lease, or without such consent in any case where such holder has failed for a period of Three months to expend on such land One-fourth of the amount of annual expenditure prescribed by such lease—

and mark out thereon in manner prescribed such area as he may think necessary for the purposes of this Part, and thereupon such area shall not be worked, entered upon, or dealt with by any person or in any manner without the authority of the Minister.

(2) No person employed by the Minister under this section shall be subject in such employment to the provisions of "The Public Service Act, 1918." 9 Geo. V. No. 69

6—(1) No compensation or damages shall be payable in respect of any operations undertaken or authorised by the Minister under this Part, except in respect of damage to any buildings, mining plant or machinery, resulting from any such operations. Compensation for damage.

(2) All claims for compensation or damages under this Part shall, in case of dispute, be heard and determined by a warden's court, under the provisions of "The Mining Act, 1917." 7 Geo. V. No. 62.

7—(1) All gold and minerals discovered as the result of any prospecting or mining operations, undertaken or carried out by, or under the direction of the Minister, shall be the property of the Crown. Gold or minerals discovered to belong to the Crown.

(2) The Minister shall make an offer in writing of any such discovery to the lessee (if any), of the land whereon such discovery has been made, at such price, and upon such terms as the Minister deems reasonable, and the lessee may, if he desires to acquire such discovery and fails within Thirty days after such offer is made to agree to the price placed thereon, apply to have the same assessed by a warden of mines and Two assessors (One to be appointed by the Minister and One by the lessee), under the provisions of "The Mining Act, 1917," relating to proceedings before a warden's court.

(3) If there shall be no lessee as aforesaid, or if any such lessee fails to take the necessary steps to acquire such discovery within the time prescribed, the Minister may—

- i. Let such discovery, together with any land required for the working thereof, on tribute, upon such royalty and subject to such conditions as may be prescribed; and if such land is held under lease such royalty shall be apportioned between the Minister and the lessee as may be prescribed;

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ii. Work, mine, and develop such discovery in such manner as he may think proper for the benefit of the Crown ; or, if the land whereon the same was made is held under lease, for the benefit of the Crown or lessee in such proportion as he may in each case determine.

(4) In the event of the lessee acquiring any such discovery as aforesaid the person who made such discovery shall receive One-half of the net purchase price received for the same from such lessee.

PART II.

SPECIAL ADVANCES FOR MINING.

Power for Minister to advance money for mining purposes.

8—(1) The Minister may advance money by way of loan under this Act to any person for mining purposes, including —

- i. The development of a mine :
- ii. The purchase, erection, installation, and fitting up of machinery, plant, or appliances, for such purpose : and
- iii. Providing, constructing, repairing, or altering any works, races, or other things, which, in the opinion of the Minister may be necessary for such purpose.

(2) The amount of any such advance shall in each case be determined by the Minister, with the consent of the Governor, upon both Houses of Parliament passing a resolution assenting thereto.

(3) All such advances shall be secured in such manner and shall be made upon and subject to, such terms and conditions as the Minister may in each case determine.

PART III.

ASSISTANCE FOR PROSPECTING.

Minister may grant assistance to prospectors in certain cases.

9—(1) The Minister may grant assistance to prospectors under this Act in such manner and upon such conditions as may be prescribed.

(2) Such assistance shall be in the form of a sustenance allowance to prospectors approved by the Minister on the recommendation of the Chief Inspector of Mines, and shall be granted only for prospecting in areas recommended by the Government Geologist.

Prospector to have preferential right to discovery.

10 Every prospector or party of prospectors (as the case may be) to whom such assistance has been granted, shall, subject to such conditions as may be prescribed, have a preferential right to a lease of the land whereon any discovery has been made by him or them in the course of such prospecting.

PART IV.

MINING TRUST FUND.

Constitution of fund.

11—(1) There shall be constituted for the purposes of this Act a fund, to be called "The Mining Trust Fund, 1922" (hereinafter referred to as "The Fund.")

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(2) There shall be paid, transferred, and placed to the credit of the fund in the books of the Treasurer from time to time, as and when the same are, or may become, available, respectively : A. D. 1921.

- i. All moneys standing to the credit of "The Mining Trust Fund, 1918-19," on the Twenty-eighth day of February, One thousand nine hundred and twenty-two, including all amounts placed to the credit thereof out of moneys received by the Treasurer under any Act hereby repealed :
- ii. All moneys which may hereafter be received by the Treasurer in respect of advances or loans made or granted, or purporting to have been made or granted, under any Act hereby repealed :
- iii. All moneys received under this Act by way of royalty, interest, or repayment of advances :
- iv. All moneys received under the provisions of Section Seven, except as otherwise provided by that section :
- v. All moneys which may from time to time be appropriated by Parliament for the purposes of this Act.

12—(1) Subject to the provisions of Part II., the Minister may apply the moneys standing to the credit of the fund from time to time for the several purposes of this Act in such proportions as he may annually determine. Minister may apply moneys for purposes of this Act.

(2) If in any financial year it appears to the Minister that the whole amount allocated for that year for any particular purpose under this Act will not be required for such purpose during that year, he may apply any part of such amount for any other purpose or purposes under this Act.

13—(1) The several advances made to the persons or companies, or for the purposes enumerated in the First column of Schedule (2) to this Act, shall be deemed to have been lawfully made, and the balances respectively due thereon, as set forth in the Second column of the said Schedule, shall be charged to and paid out of the fund. Validation and payment of certain advances.

(2) All moneys hereafter received by way of royalty, interest, or repayment in respect of any such advances, shall be credited to and become part of the fund.

14 The Treasurer may issue and pay the moneys from time to time standing to the credit of the fund for the purposes of this Act as the Minister may from time to time authorise. Authority to Treasurer to issue moneys.

15—(1) There shall be appropriated, issued and paid out of the Consolidated Revenue, for the purposes of this Act, for the financial year ending on the Thirtieth day of June, One thousand nine hundred and twenty-two, the sum of Three thousand seven hundred Pounds, and the same shall be paid and credited to the fund. Appropriation of £3700 out of Revenue.

(2) The Minister may make, under the provisions of Part II., to the several persons or companies enumerated in the First column of Schedule (3), the advances set opposite their respective names in the Second column of that schedule. Authority for advances.

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PART V.

GENERAL.

Regulations.

16 The Governor may make regulations under this Act, prescribing—

- i. The conditions under which, and the terms upon which money may be advanced on loan under this Act and the nature and form of security to be taken therefor, and the proceedings to be taken in case of default in any payment in respect thereof :
 - ii. The conditions under which assistance may be granted to miners and prospectors on the Zeehan Field, or any proclaimed area respectively.
 - iii. The cases in which, and the conditions under which, and the methods by which mining or prospecting operations may be undertaken or carried out on the Zeehan Field or any proclaimed area :
 - iv. The forms of notices, contracts, tribute-agreements, or other documents to be used under this Act, and the manner in which the same or any of them may be served or sent to any person :
 - v. The time within which and the conditions under which a lessee shall have the right to acquire any discovery under the provisions of Part I. :
 - vi. The royalties to be paid by tributers, and the times at which, and the manner in which the same are to be paid and collected :
 - vii. The amount or proportion of any royalty which shall be payable to the lessee of the land in respect of which such royalty is received :
 - viii. The cases in which and the conditions under which assistance may be granted to prospectors under Part III. :
 - ix. All other matters and things which may be necessary for carrying out and giving effect to the provisions of this Act
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SCHEDULES.

(1)

Date of Act.	Title of Act.	Extent of Repeal.
3 Geo. V. No. 21	"The Aid to Mining Act, 1912"	The whole Act
3 Geo. V. No. 24	"The Mining Development Act, 1912"	The whole Act
9 Geo. V. No. 62	"The Mining Trust Fund Act, 1918"	The whole Act
10 Geo. V. No. 61	"The Mining Trust Fund Act, 1919"	The whole Act
11 Geo. V. No. 45	"The Mining Trust Fund Act, 1920"	The whole Act

(2)

	£	s.	d.
No. 6 Argent Prospecting Syndicate No Liability	843	0	7
Advances in aid of Mining Suspense Account	380	0	0
Sundry Advances on ore from Zeehan Field	79	13	11

(3)

	£	s.	d.
No. 6 Argent Prospecting Syndicate No Liability	5000	0	0
John Coltson	200	0	0

