

TASMANIA.

THE AID TO MINING ACT, 1927.

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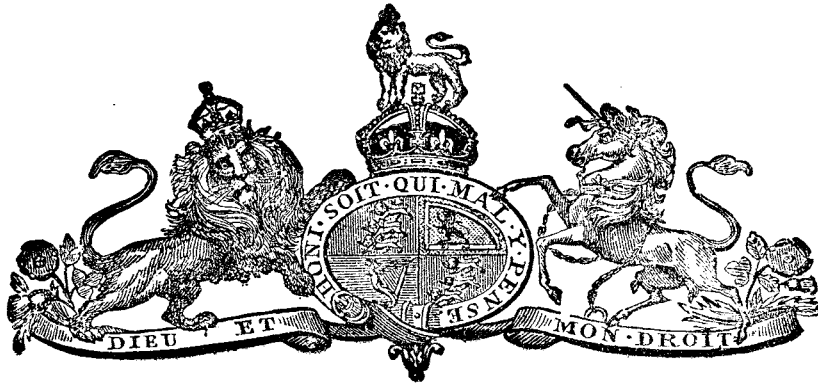
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TASMANIA.



1927.

ANNO OCTAVO DECIMO

GEORGII V. REGIS.

No. 47.

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. [2 December, 1927.]

A.D.
1927.

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:—

PART I.

PRELIMINARY.

1 This Act may be cited as "The Aid to Mining Act, 1927," 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2 The Aid to Mining Act 1921, and the Aid to Mining Act, 1924, are hereby repealed.

Repeal of 12 Geo. V. No. 48 and 15 Geo. V. No. 45.

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PART II.

ASSISTANCE FOR PROSPECTORS.

Power to Minister to grant assistance to prospectors.

3—(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 not exceeding Two Pounds Ten Shillings per week for each man engaged to prospectors approved by the Minister on the recommendation of the Director of Mines or other officer authorised in that behalf by the Minister.

48 Vict. No. 15.

(3) Assistance may be granted under this section to any company or mining syndicate registered under the provisions of the Mining Companies Act, 1884.

(4) Assistance granted under Subsection (3) hereof, shall be at such rate not exceeding one-half the rate mentioned in Subsection (2) hereof as the Minister may determine, and shall not exceed One Pound for every One Pound contributed by such company or syndicate for the same "prospecting."

Prospector to have preferential right to discovery.

4—(1) 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 of any mining product has been made by him or them in the course of such prospecting.

7 Geo. V. No. 62.

(2) Every such prospector or party, as the case may be, within one month after the making of any such discovery, shall report the same to the Secretary for Mines, and shall within three months after the making of such discovery, lodge an application for such lease as aforesaid, in accordance with the provisions of the Mining Act, 1917, and if he or they shall make default therein such preferential right shall forthwith be determined.

PART III.

ASSISTANCE FOR TESTING AND PROVING DEPOSITS AND DISCOVERIES OF MINING PRODUCTS.

Power to Minister to assist lessees and tributers.

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 for the purpose of testing or proving any deposit or discovery of any mining product worked or proposed to be worked by such miners, as the case may be, under the provisions of the Mining Act, 1917 :

7 Geo. V. No. 62.

ii. Advance money by way of loan to lessees, tributers, and prospectors under this Part for such mining purposes and upon such terms and conditions as may be prescribed :

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- 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 : A D. 1927.
- iv. Cause testing, drilling, surveying, prospecting, or mining operations to be undertaken and carried out in such manner and upon such conditions as he may think proper or as may be prescribed :
- v. Enter into any contracts for the performance of any work or the carrying out of any operations under this Part :
- vi. Do, execute, and perform all such acts, deeds, and things upon, under, or in relation to any Crown land, as he might do if he were the holder of a lease thereof under the Mining Act, 1917, and as he may think necessary or desirable for the purposes of this Part other than mining for the purposes of profit :
- vii. Enter upon any Crown land and mark out thereon in manner prescribed such area as he may think necessary for any of 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 by reason of such employment to the provisions of the Public Service Act, 1923. 13 Geo.V. No. 25.

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 resulting from any such operations to any buildings, mining plant, or machinery. Compensation for damage.

(2) All claims for compensation or damage 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 mining products 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) If any such discovery is made on land held under mining lease the right to work and mine the land whereon the same was made shall be offered to the lessee of such land at such price not exceeding twice the amount expended by the Minister in relation to such discovery and upon such terms as the Minister may consider reasonable.

(3) If the lessee desires to acquire such right he shall, within thirty days after the same is offered to him as aforesaid, accept such offer; or, if he is dissatisfied with the price fixed thereby, notify the Secretary for Mines that he desires that such price shall be determined by a warden's court, and shall, in such notification, nominate an assessor to act for him therein.

(4) Within three months, or such further time as the Minister may approve, after the acceptance of such offer or the determination as

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aforesaid of such price, as the case may be, such lessee shall complete his purchase in such manner as may be prescribed.

(5) If such lessee as aforesaid fails to comply with the provisions hereinbefore contained, or if any such discovery is made on land not held under mining lease, the right to work and mine such land shall be offered for sale by public auction or tender as the Minister may determine, and any such sale may be subject to such reserve price as the Minister may think fit.

(6) The purchaser at any such sale as aforesaid shall acquire the right to work and mine the land in respect of which such sale is made during the currency of any mining lease of which he is the holder comprising the land on which such discovery was made.

(7) If no such sale as aforesaid is effected, the Minister may let on tribute the land on which such discovery was made, with such area of land adjoining the same as he may think necessary, upon such royalty and subject to such conditions as he may think fit.

Power to resume
land and to grant
leases.

8—(1) In any case in which any such discovery as aforesaid is made on land held under any mining lease, it shall be lawful for the Minister, with the consent of the Governor, if the circumstances shall so require, to cancel such lease, and to grant to the holder thereof a new lease in lieu thereof, comprising so much of the land comprised in the lease so cancelled as the Minister may consider is not required for the purpose of giving effect to any of the provisions of Section Seven hereof, together with such area, if any, of the land adjoining the same as such holder may lawfully apply for and hold.

(2) Every such new lease shall be under and subject to the provisions of the Mining Act, 1917, and shall be at the same rent per acre and subject to the same terms and conditions as the lease so cancelled, and the term thereof shall be for the unexpired residue of the term of the lease so cancelled.

(3) If the purchaser of the right to work and mine the land on which any such discovery as aforesaid was made does not already hold such land under mining lease, he shall be entitled to take up, under and subject to the provisions of the Mining Act, 1917, a lease of such area thereof as the Minister may determine.

Compensation.

9—(1) No compensation shall be payable to the holder of any lease which is cancelled under the provisions of Section Eight hereof unless the Minister is satisfied that such cancellation will materially affect the efficient carrying on of any mining operations, or works in connection therewith, then being carried on by such holder.

(2) The Minister shall determine the amount of compensation, if any, to be paid to the holder of any such lease, and if the holder is dissatisfied with the determination of the Minister thereon he may notify the Secretary for Mines that he desires that the question of such compensation shall be determined by a warden's court, and shall in such notification nominate an assessor to act for him therein.

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(3) All moneys payable by the Minister under this section shall be paid by him out of the fund established under this Act. A.D. 1927.

10 The purchaser of the right to mine and work any land upon which any such discovery as aforesaid has been made shall forfeit such right if— Forfeiture of rights in certain cases.

- i. He shall fail to pay the purchase money therefor, or any part thereof, as and when the same becomes payable :
- ii. He shall fail if and when required to take up and acquire a mining lease of such land : or
- iii. The mining lease of such land held by him becomes forfeited, or is otherwise lawfully determined—

and thereupon such right may be again offered for sale or otherwise dealt with by the Minister as hereinbefore provided in the case of a discovery upon land not held under mining lease.

11—(1) All moneys paid under the provisions of this Part by way of purchase money or royalty shall be paid into and become part of the fund established under this Act. Application of moneys and payment of rewards for discoveries.

(2) The Minister shall pay out of such fund to the person actually making any such discovery as is mentioned in Section Seven hereof a sum of money by way of reward, to be determined in such manner as may be prescribed in proportion to the purchase money received in respect thereof, if any, or if no sale is effected, in proportion to the estimated value thereof as determined by the Minister.

12—(1) Upon the receipt by the Secretary for Mines of any such notification from a lessee as is mentioned in Section Seven or Section Nine hereof, the Minister shall appoint an assessor who, with such warden of mines as the Minister shall direct, and with the assessor nominated by such lessee shall constitute the warden's court for the determination of the matter in respect of which such notification was received. Procedure for determination of questions by warden's court.

(2) Such court shall hear and determine the matter in dispute in accordance with the provisions of the Mining Act, 1917, and the lessee shall purchase such right as aforesaid at the price fixed by such court.

(3) If any assessor, nominated by the lessee, fails to attend the sittings of such court, or to act thereon as such assessor, in accordance with the provisions of the Mining Act, 1917, such warden, as aforesaid, may proceed, with or without an assessor appointed by the Minister, to determine the matter in dispute.

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Power for
Minister to
advance money
for mining
purposes.

PART IV.

SPECIAL ADVANCES FOR THE DEVELOPMENT OF MINES.

13—(1) The Minister, with the consent of the Governor, 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 development : 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 development.

(2) Every such loan shall be subject to the condition that the borrower shall provide and expend, for the purposes for which such loan is made, an amount equal to the amount so advanced to him.

(3) The amount of every such advance shall be determined by the Governor, if the same does not exceed Three hundred Pounds, and in any other case the same shall be determined by the Minister with the consent of the Governor upon both Houses of Parliament passing a resolution agreeing thereto.

(4) 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 V.

MINING TRUST FUND.

Constitution of
fund.

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

(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 :

- I. All moneys standing to the credit of the Mining Trust Fund, 1922, at the commencement of this Act :
- 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 repealed by this or any previous Act on this subject :

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- iii. All moneys received under this Act by way of purchase money, royalty, interest, or repayment of advances : A.D. 1927.
- iv All moneys which may from time to time be appropriated by Parliament for the purposes of this Act.

15—(1) The Minister may allocate and 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.

16 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.

PART VI.

GENERAL.

17—(1) If any person who has received any advance, or been granted any assistance under this Act, fails from any cause to use and apply the same in good faith and within reasonable time for the purpose for which the same was made or granted, he shall forthwith repay to the Minister the amount of such advance or the value of such assistance ; and unless he satisfies the court before which he is charged therewith that such failure was due to causes beyond his control, he shall be liable, upon summary conviction, to a penalty not exceeding Twenty-five Pounds. Penalty for misapplication of moneys.

(2) If any person shall wilfully apply any moneys advanced to him under this Act to any purpose other than that for which the same were so advanced, he shall be liable, upon summary conviction, to imprisonment for any term not exceeding one year.

18 The Governor may make regulations under this Act, prescribing— Regulations.

- 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 :

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- ii. The conditions under which assistance may be granted to miners and prospectors :
- 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 for the purposes of this Act :
- 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 royalties to be paid by tributers, and the times at which and the manner in which the same are to be paid and collected :
- vi. The manner in which and the conditions under which surveying, drilling, and testing operations may be undertaken and carried out : and
- vii. All other matters and things which may be necessary or desirable for carrying out and giving effect to the provisions of this Act.