

THE MINING DEVELOPMENT ACT, 1912.

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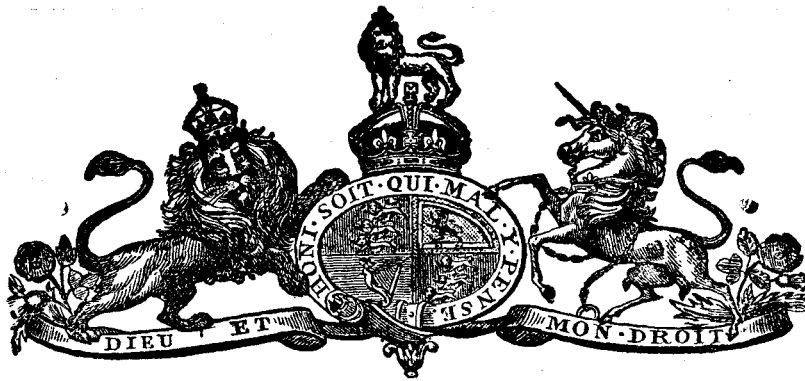
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TASMANIA



1912.

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GEORGII V. REGIS.

No. 24.

AN ACT to subsidise and enable Companies or Miners to Develop Gold or other Mines, and for other purposes. [17 December, 1912.]

A.D.
1912.

BE it enacted by His Excellency the Governor of Tasmania, by and with the 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 Mining Development Act, 1912." Short title.

2 This Act is divided into parts, as follows :—

Division of Act.

Part I.—Preliminary.

Part II.—Advances for Mining.

Part III.—Advances to Miners for Prospecting.

Part IV.—Establishment of Plant for Crushing, Ore-dressing, or Smelting.

Part V.—Assistance for Boring.

Part VI.—Construction of Races and Dams.

Part VII.—Miscellaneous.

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Interpretation.

3 In this Act, unless inconsistent with the context—

“Company” means any incorporated company registered under “The Mining Companies Act, 1884,” or any amendment thereof, and includes a foreign company the agent and office of which is registered in Tasmania:

“Gold” means any gold, or gold-bearing mineral, ore-deposit, or concentrate in which gold is of the principal intrinsic value:

“Mineral” means any metal, metallic ore, coal, shale, petroleum, and precious stones, oil, or other mineral deposit:

“Mine” means any land held under “The Mining Act, 1905,” or previous Mining Acts, or any amendments thereof, and whereon mining operations are carried on:

“Miner” means the holder of a miner’s right, prospector’s licence, or mining lease:

“Mining operations” are operations carried on upon any mine for the purpose of obtaining or prospecting for gold or other minerals:

“Minister” means the Minister for Mines for the time being.

Source from which expenditure to be made.

4 All moneys advanced, granted, or expended pursuant to this Act shall be provided out of moneys authorised by Parliament to be applied for such purpose.

PART II.

ADVANCES FOR MINING.

Application for advance.

5 Any person or company (hereinafter called “the borrower”) may apply to the Minister for an advance by way of loan for—

I. Development of a mine:

II. Procuring, erecting, and connecting machinery, plant, or appliances for such purpose:

III. Providing other works and things which, in the opinion of the Minister, may be necessary for such purpose.

Evidence and information to be submitted with application.

6 Every application for an advance shall be in the prescribed form, and be accompanied by—

I. A description of the mine on which the operations are to be carried out, and of all workings thereon, and an accurate plan and sections thereof:

II. A description and valuation of all machinery, plant, and effects on the land:

III. A statement of the encumbrances (if any) affecting the mine or machinery:

IV. A description of the mining proposed to be done, the object thereof, the probable cost thereof and of any machinery, plant, and effects proposed to be purchased in connection therewith:

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- v. A statement showing the manner in which and the work on which it is proposed to expend such advance, and the time over which the expenditure will last, and the time when and the amounts in which the advance will be required : A.D. 1912.
- vi. Such other evidence or documents and such further information as the Minister may require ; and if the application is made by a company, particulars as to the amount of uncalled capital of the company and of its assets and liabilities.

All such evidence, statements, and information shall be verified by statutory declaration.

7 Every application shall be referred by the Minister to a Government Geologist, Inspector of Mines, or other professional officer for report. Such report shall be made after personal examination of the mine in which the borrower proposes to carry on the intended operations, and shall— Report on application by Government Geologist.

- i. Fully describe the character of the mine and of the lode, reef, vein, seam, lead, or other mineral formation contained therein :
- ii. State whether, in the opinion of the person making the report, there is reasonable probability of such mining operations proving to be of a remunerative character, giving the reasons and grounds for such opinion :
- iii. State whether the machinery, working plant, and appliances are of a character and description properly adapted to the proposed mining operations : and
- iv. Give such other information as may be prescribed by regulation or the Minister may require.

8—(1) After considering all the evidence and reports relating thereto, the Minister, with the approval of the Governor, may grant such application, with or without modification. Power to grant application.

(2) Thereupon the Minister may, on behalf of His Majesty, enter into an agreement with the borrower, undertaking, subject to this Act and the regulations, to advance by way of loan to the borrower any sum or sums not exceeding in the whole One thousand Pounds. And enter into agreement.

(3) Such advance shall be payable in instalments of such amount and at such times as shall be specified in the agreement. Instalments.

(4) No instalment shall be paid until it is proved to the satisfaction of the Minister that— Conditions precedent to paying any instalment.

- i. For every pound to be advanced the borrower has out of his own capital previously, but since the date of the agreement, actually and properly expended in mining operations on the mine a like sum of One Pound : and that
- ii. The borrower has properly expended in mining operations on the mine all previous instalments advanced by the Minister, and has paid all interest (if any) due on any such instalment.

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Interest.

Agreement to
certain covenants,
&c.Borrower to
execute mortgage.Payments to
Minister to form
first charge on
borrower's profit.

Application.

Minister entitled
to inspect books
and documents.Minister's action
in case of
default.

(5) The borrower shall pay to the Minister interest on the amount of the advance, calculated from the dates of the payment of the respective instalments, at the rate of Five Pounds per centum per annum, by half-yearly payments, on dates to be specified in such agreement.

(6) Such agreement shall contain all such covenants, conditions, restrictions, and provisions consistent with this Act as the Minister may require.

9 Before receiving any instalment of an advance, the borrower shall execute at his own cost and to the satisfaction of the Minister a First mortgage of the whole of the mine, and in the case of a company, its other property and assets (except uncalled capital) to secure the repayment of the advance and interest, and the due performance of the terms of such agreement and the provisions of the Act.

10 Until full performance of all the terms of the agreement no money or property of the borrower shall be paid or divided by way of dividend or otherwise amongst, or be received or retained by, any member or members of the company.

11 Until all moneys advanced have been repaid and the terms of the agreement have been complied with, the following provisions shall apply :—

- i. The Minister may appoint any person to inspect and report upon the progress of the works and upon the state and condition of the property and plant of the borrower :
- ii. The borrower shall, when so required by any person appointed by the Minister, allow full inspection of and copies and extracts to be taken from all or any of the books, documents, or records belonging or relating to the business of the borrower :
- iii. The borrower shall, within Twenty-one days, supply such information as the Minister may demand in relation to the company, property, assets, and undertaking, and its work and operations, and shall, if required, verify such information by statutory declaration :
- iv. In case of default by the borrower, the Minister may give notice to the borrower of his intention to enforce the security :
- v. If, after the expiration of Twenty-one days from the service of such notice, the default continues, the Minister may appoint some person on his behalf to enter into possession of the mine and all other property and assets of the borrower comprised in the mortgage :
- vi. During such possession, such person shall have and may exercise the powers and authorities of a receiver and manager of the said mine, and all other the property and assets of the borrower comprised in the mortgage, and may, with such assistance as may be necessary, carry on the business of the borrower, and, if so directed by the

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Minister, may cause the mine, machinery, working-plant, and appliances, and all or any other the property and assets of the borrower comprised in the mortgage, to be sold by public auction, or by tender or private contract. The moneys thereby realised shall, after payment of all expenses incurred by the Minister, be applied towards the payment of all moneys payable by the borrower to the Minister, and the balance, if any, paid to the borrower. A.D. 1912.

12 Any non-compliance by a borrower, or (being a company) by any of its officers or agents, with any of the provisions of this Act, or any regulation made thereunder, or with any of the terms of any agreement or mortgage, or with any order, demand, notice, or requirement of the Minister or any person appointed by him pursuant to this Act or any regulation, shall constitute a default by the borrower. What to constitute default.

PART III.**ADVANCES TO MINERS FOR PROSPECTING.**

13—(1) Any miner may apply to the Minister in the prescribed form for an advance by way of loan not exceeding Two hundred Pounds. Advances for prospecting.

(2) The Minister may, after obtaining a report from a Government Geologist, Inspector of Mines, or other professional officer, and subject to the regulations, grant such advance to the applicant for the purpose of enabling and assisting him to prospect for gold or minerals.

14 The applicant shall supply the Minister with—

- i. A description of the mine upon which it is intended by the applicant to prospect for gold or minerals, and the means by which the prospecting is to be carried on :
- ii. A statement showing the period of time over which the advance is to extend, and the instalments in which the advance is required :
- iii. A statement showing what security the applicant will give to secure the repayment of the advance, and showing how and when the applicant intends to repay the advance : and
- iv. Any other and further information as the Minister may require, or as may be prescribed.

Information to be furnished with application.

15 No instalment shall be paid to any miner until the Minister is satisfied that— Advance to be on £1 for £1.

- i. For every pound to be advanced such miner has, out of his own resources, after making such application, actually and

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properly expended in mining operations on the mine held by him, a sum of One Pound in work, labour, or material: and that

- ii. Such miner has also previously actually and properly expended, in mining operations on the said mine, all previous instalments advanced by the Minister.

Minister to enter into agreement.

16 Before making any advance the Minister shall enter into an agreement with the applicant, setting forth the terms of the advance, and the mine on which the advance is to be expended, and may take from the applicant such security for the repayment thereof, as to the Minister may seem fit.

Minister may make advance to prospector.

17 In addition to the foregoing provisions, the Minister may advance to any approved person or persons a sum not exceeding Two hundred Pounds, for the purpose of prospecting and exploring for gold or minerals, upon such terms and conditions as the Minister may think fit.

Minister may reserve land.

18—(1) In the event of any mineral or gold discovery as a result of the foregoing section, the Minister may—

- i. Reserve such area of Crown land adjacent to the discovery as he may think desirable:
- ii. Grant, on such terms as he may think fit, and with the approval of the Governor, a lease or other holding, to the discoverer or discoverers.

(2) The Minister, with the approval of the Governor, may call for tenders from persons willing to take up a lease of any portion of such reserved land as aforesaid, but shall not be required to accept the highest or any tender.

PART IV.

ESTABLISHMENT OF PLANT FOR CRUSHING, ORE-DRESSING, OR SMELTING.

Erection of testing plant

19—(1) The Minister may purchase and erect, or hire plant for testing the value of, or treating metalliferous material, and may cut, construct, and form any races, dams, and other works he deems necessary in connection with such plant, with power to divert water where necessary.

Locality where plant may be erected.

(2) Such plant shall be erected only in districts in which, from the report of a Government Geologist, Inspector of Mines, or other professional officer, the Minister is satisfied that—

- i. Large deposits of metalliferous ores exist: and
- ii. The plant and appliances for testing or treating such deposits in bulk are not available: and
- iii. The establishment of such plant is necessary for the development of mining.

Rates chargeable.

20 The rates charged for testing or treating shall be as prescribed.

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PART V.**ASSISTANCE FOR BORING.**

21 Should the Minister be satisfied, after receiving a report from a Government Geologist, Inspector of Mines, or other professional officer, that boring for gold or minerals is desirable in any mining centre or other locality, and that such boring has a reasonable prospect of success, he may agree with any miners' association, or other body of persons, or with any person, to pay a proportion of the cost of such boring, not exceeding one-half the total cost.

Public bodies may apply for assistance for boring.

22 Application for such assistance shall be made and granted in accordance with the regulations. The association or body of persons to which, or the person to whom assistance is granted, shall pay all wages and expenses incidental to the boring, and on the production of receipted paysheets or vouchers, the Minister, if satisfied that the boring is being carried out with due care and despatch, shall refund such proportion of the expenditure as he may have agreed to pay.

Applications for assistance, how made, and mode of payment.

23 The Minister may, with the approval of the Governor, pay the whole cost of boring for gold or minerals, if satisfied after receiving the report of a Government Geologist, Inspector of Mines, or other professional officer, that such boring is in the general interest of the State.

Minister may pay whole cost of boring.

24—(1) When boring has been undertaken, the Minister may—

- i. Reserve such area of Crown land adjacent to the site of the boring operations as will, in the opinion of a Government Geologist, Inspector of Mines, or other professional officer be tested by such boring: and
- ii. Grant on such terms as he may think fit, and with the approval of the Governor, a lease or other holding, to any association or body of persons or person by whom the boring was undertaken, in priority to any other person.

Minister may make reserves.

(2) No lease or other holding shall be granted within such area without the written consent of the Minister, who may require applicants to pay, by way of premium, such proportion of the cost of the boring and in such manner as he may consider reasonable.

(3) The Minister may, in his discretion, call for tenders from persons willing to take up any such lease, but shall not be required to accept the highest or any tender.

(4) The Minister may, in his discretion, apply any premium, or part thereof, to reimburse any association or body of persons or person, the moneys expended by them or him in boring.

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PART VI.

CONSTRUCTION OF RACES AND DAMS.

Minister may
construct races
and dams.

25—(1) Should the Minister be satisfied, after receiving a report from a Government Geologist, Inspector of Mines, or other professional officer, that it is desirable in the interests of mining, and that it would result in the more economical development of any mining district, he may cut, construct, and form races and dams for working deposits for gold or minerals, and may divert water for such uses, subject to all existing rights.

(2) Such water when so diverted and conveyed to any mining field may be used for mining purposes in such manner and amount, and under such conditions and charges, as may be fixed by regulations.

PART VII.

MISCELLANEOUS.

Minister may
purchase drills

26 The Minister may purchase any boring plant and accessories that he may deem necessary, and may hire such plant in accordance with the regulations.

Minister may
advance or
expend money
for certain
purposes.

27—(1) The Minister may advance or himself expend moneys—

- i. To drain any mining area :
- ii. To assist mining by sinking or cross-cutting for further make of stone or lode-matter : or
- iii. To sink shafts for the purpose of prospecting for gold, or any mineral or metal, at great depths below the surface, at places in respect of which the expenditure of large sums of money, extending over a considerable period, will be necessary.

(2) The Minister may call for tenders and enter into contracts for any such work.

(3) The Minister may, for the purposes of this Act, employ such and so many persons (whether experts or not), as he deems proper upon such terms and conditions as he thinks fit, paying them such remuneration or wages as he thinks reasonable.

The provisions of "The Public Service Act, 1905," shall not apply to any person so employed by the Minister as aforesaid.

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28 In the month of August in every year the Minister shall prepare a report of all moneys advanced, granted, or expended for all or any purposes of the Act during the preceding financial year, with detailed statements of his accounts with any companies or persons, and lay the same before both Houses of Parliament as soon as practicable.

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Publication of reports.

29—(1) The Governor may make such regulations as are necessary for carrying into effect all or any of the provisions of this Act.

Power to make regulations.

(2) Such regulations may be for the whole State or for any particular part thereof, and when published in the "Government Gazette" shall have the force of law.
