



ANNO NONO

GEORGII V REGIS.

A.D. 1918.

No. 1352.

An Act to amend the Mining Acts, 1893 to 1911, and for other purposes.

[Assented to, December 5th, 1918.]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited alone as the "Mining Act Further Amendment Act, 1918." Short titles.

(2) The Mining Acts, 1893 to 1911, and this Act, may be cited together as the "Mining Acts, 1893 to 1918."

(3) The Mining Act, 1893, is hereinafter referred to as "the principal Act."

2. This Act is incorporated with the other Acts mentioned in section 1 of this Act, and those Acts and this Act shall be read as one Act. Incorporation with other Acts.

Amendments.

3. Section 4 of the principal Act is amended as follows:—

i. By striking out the definition of "minerals" therein, and substituting therefor the following definition:—

Amendment of section 4 of principal Act—
Definition of "minerals."

"Minerals" means all metals and minerals other than gold and the ore of any metal other than gold, and includes sand, gravel, stone and shell, together with all rocks and earthy substances, excepting—

- (a) precious stones:
- (b) salt and gypsum:
- (c) coal, shale, and oil:
- (d) guano.

ii. By

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Definition of
"precious stones."

11. By inserting therein after the definition of "oil" the following definition:—

"Precious stones" includes diamond, ruby, sapphire, emerald, beryl, aquamarine, opal, turquoise, tourmaline, and any other mineral which may from time to time be declared by proclamation to be a precious stone within the meaning of this Act.

Amendment of *ibid.*,
s. 22—

Warden may order
metal, etc., to be
seized.

4. Section 22 of the principal Act is amended by inserting the words "precious stones" after the word "metal" in the second line thereof.

Amendment of *ibid.*,
s. 23—

Inspection by
Warden.

5. Section 23 of the principal Act is amended by inserting the words "precious stones" after the word "metals" in the fourth line thereof.

Amendment of *ibid.*,
s. 30—

Privileges under
miner's rights.

6. Section 30 of the principal Act is amended as follows:—

I. By inserting after the word "metal" in the second line thereof the words "precious stones":

II. By striking out the word "of" in the fifth line thereof:

III. By inserting after subdivision (a) thereof the following subdivision:—

"(aa) a precious stones claim not exceeding the prescribed area."

Amendment of *ibid.*,
s. 32—

Rights of owners of
claims.

7. Section 32 of the principal Act is amended as follows:—

I. By inserting after subdivision (a) thereof the following subdivision:—

"(aa) As to a precious stones claim, the right of mining for precious stones, and the ownership of all precious stones found":

II. By inserting after the word "gold" in the third line of subdivision (a) thereof the words "precious stones."

Amendment of *ibid.*,
s. 34—

Priority of claims.

8. Section 34 of the principal Act is amended by striking out the fifth and sixth lines thereof, and substituting the following passage:—

"(b) precious stones claims:

(c) mineral claims:

(d) coal or oil claims."

Amendment of *ibid.*,
s. 39—

Forfeiture.

9. Subsection (2) of section 39 of the principal Act is amended by inserting after the words "gold claim" in the third line thereof the words "or precious stones claim."

Amendment of *ibid.*,
s. 51—

Gold leases.

10. Subsection (4) of section 51 of the principal Act is amended by substituting the words "twenty-one" for the words "forty-two" in the first line thereof.

11. Section

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- 11.** Section 55 of the principal Act is amended by inserting after the word “metals” in the second line thereof the words “precious stones.”
- Amendment of *ibid.*, s. 55—
Gold lessee may mine for other metals, etc., and precious stones.
- 12.** Subsection (3) of section 57 of the principal Act is amended by substituting the words “twenty-one” for the words “forty-two” in the first and second lines thereof.
- Amendment of *ibid.*, s. 57—
Mineral leases.
- 13.** Subdivision III. of section 58 of the principal Act is amended so as to read as follows:—
- Amendment of *ibid.*, s. 58, III. —
Conditions of lease.
- III. That he will during the term of the lease observe the prescribed labour conditions, and that he will furnish the Minister, whenever required by him, with satisfactory evidence that such labour conditions have been and are being observed.
- 14.** Subsection (3) of section 60 of the principal Act is amended by substituting the words “twenty-one” for the words “forty-two” in the second line thereof.
- Amendment of *ibid.*, s. 60 (3)—
Leases for gold mining, etc.
- 15.** Section 63 of the principal Act is further amended as follows:—
- Amendment of *ibid.*, s. 63—
Salt and gypsum leases, etc.
- I. By substituting the word “mineral” for the word “Crown” in the second line thereof;
- II. By substituting the words “twenty-one” for the words “forty-two” in the second line thereof; and
- III. By striking out the proviso to subdivision III. thereof.
- 16.** Section 92 of the principal Act is amended by inserting the following subdivision after subdivision XXIV. thereof:—
- Amendment of *ibid.*, s. 92—
Regulations as to labour conditions in mineral leases.
- “XXV. For fixing the minimum number of men to be employed in mining under a mineral lease and the periods during which such men shall be so employed, either in relation to mining for all minerals or any particular kind of mineral or minerals.”
- 17.** Section 94 of the principal Act is amended by inserting after the word “metals” in the first line thereof the words “precious stones.”
- Amendment of *ibid.*, s. 94—
Payable results to be reported.
- 18.** Sections 108 and 109 of the principal Act are hereby repealed.
- Repeal of *ibid.*, ss. 108 and 109.
- 19.** Section 12 of the Mining Act Amendment Act, 1900, is amended as follows—
- Amendment of Act 751 of 1900, s. 12—
Preferential right.
- I. By striking out the words “precious stones” in the first line of subdivision (a) thereof; and
- II. By

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11. By inserting after subdivision (c) thereof the following subdivision:—

“(d) In case of a licence to search for precious stones, to a precious stones claim of not exceeding the prescribed area.”

Repeal of section 3 of Act 1054 of 1911—
Power to grant mining leases extended.

20. Section 3 of the Mining Act Amendment Act, 1911, is hereby repealed.

Additional Provisions.

Application for forfeiture of mining lease.

21. (1) Any person who is the holder of a miner's right in his own name, and who is of opinion that any mining lease is liable to forfeiture, may lodge a plaint note at the warden's office nearest to the lands comprised in such lease praying that such lease shall be forfeited and stating the grounds for such forfeiture.

(2) Such person shall, at the time of lodging such plaint note, lodge at the office of the same warden a sum of not less than Two Pounds which, if the Minister considers the complaint to be frivolous, and not otherwise, shall be absolutely forfeited to the Government.

(3) Such plaint note may also contain a request that in the event of such mining lease being forfeited a lease under the principal Act of the lands comprised in the lease so forfeited be granted to the complainant.

Sections 19, 20, 21, 23, 24 and 25 to apply to applications for forfeiture.

22. The provisions of sections 19, 20, 21, 23, 24 and 25 of the principal Act shall, so far as practicable, apply to applications for forfeiture under section 21 of this Act.

Warden to report to Minister.

23. If the decision of the warden is that the lease has become liable to forfeiture, he shall forward a certified copy of the evidence taken at the hearing, together with a report thereon, to the Minister, and may recommend that the lease be forfeited.

If appeal from warden's decision, certificate as to result thereof to be forwarded to Minister.

24. If an appeal is made from the decision of the warden, a certificate under the hand of the clerk of the appellate Court stating the result of such appeal shall be forthwith forwarded to the Minister.

Minister to submit question of forfeiture to Governor.

25. (1) Where no appeal is made from the decision of the warden within the time allowed by law, after considering the evidence and the report and recommendation of the warden forwarded to him as provided in section 23, the Minister shall, if he is of opinion that the lease is liable to forfeiture, submit the matter for the determination of the Governor.

(2) Where an appeal has been made from the decision of the warden, and the decision on such appeal is that the lease has become liable to forfeiture, after considering such decision and the evidence, the Minister shall, if he is of opinion that the lease is liable to forfeiture, submit the matter for the determination of the Governor.

26. The

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26. The Governor may cancel the said lease, and may also issue to the complainant a mining lease of the kind specified in the plaint note of the lands comprised in the cancelled lease for the unexpired balance of the term of such lease. Governor may cancel lease.

27. If the warden or the appellate Court orders that costs be paid by the lessee to the complainant, such costs shall not be payable in the event of the Minister refusing to submit the question of forfeiture to the Governor, unless the Minister approves of such order for costs. Costs.

28. (1) The holder of any mining lease shall, on due performance and observance of the covenants, conditions, and provisos of such lease, be entitled to a renewal from time to time of such lease for any period at each renewal not exceeding twenty-one years from the expiration of such lease or any renewal thereof. Renewal of leases.

(2) The application for such renewal shall be made in the manner and at the time prescribed.

(3) Every lease so renewed shall be at the rent for the time being chargeable by law in respect of leases of the same class as the lease so renewed and shall be subject to the covenants, conditions, and provisos prescribed by any Act or regulations for the time being in force relating to leases of the same class as the lease so renewed.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

H. L. GALWAY, Governor.