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# VICTORIÆ REGINÆ.

A.D. 1895.

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No. 628.

An Act to amend "The Northern Territory Gold Mining Act, 1873," the Gold Mining Act Amendment Act of 1886, and for other purposes.

[Assented to, December 20th, 1895.]

**W**HEREAS it is expedient to amend the laws relating to gold mining in the Northern Territory—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly, in this present Parliament assembled, as follows:

Preamble.

**1.** Section 1 of "The Gold Mining Act Amendment Act, 1886," is hereby amended by striking out the words "under section 10 of 'The Gold Mining Act, 1885.'"

Amendment of section 1, Act 353 of 1886.

**2.** Section 7 of the Gold Mining Act Amendment Act of 1886 is hereby repealed.

Repeal of clause 7, Act 353 of 1886.

**3.** This Act shall be incorporated and read together with "The Northern Territory Gold Mining Act, 1873," and the Gold Mining Act Amendment Act of 1886, except so far as inconsistent therewith.

Incorporation.

**4.** This Act may be cited for all purposes as "The Northern Territory Gold Mining Amendment Act, 1895."

Short title.

**5.** It shall be lawful for the Governor, by Proclamation in the *Government Gazette*, to proclaim any portion of Crown lands to be a goldfield.

Proclamation of gold-fields.

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Description of gold-fields.

6. Such Proclamation shall describe by name and boundaries every goldfield proclaimed, and such Proclamation may from time to time be altered or cancelled by the Governor in like manner.

Goldfields subject to this Act and regulations.

7. Every goldfield so proclaimed may be mined in, used, and occupied according to the provisions of this Act and the regulations thereunder.

Provisional Proclamation of goldfields to protect discovery.

8. Whensoever the discovery of payable gold on Crown lands shall have been reported in writing under the hand of and signed (or if such person shall be unable to write, by a writing attested by some Justice of the Peace, or warden) by the person claiming to have made such discovery to the warden of the goldfields nearest the situation of such discovery, or to the Minister in charge of goldfields, the notification of such discovery by such warden posted outside his office, or by such Minister in the *Government Gazette*, shall operate to proclaim the portion or portions of Crown lands to be a goldfield within the meaning and for the purposes of this Act, which shall be contained in a square the boundary lines of which shall be directed to the cardinal points, and the central point in each boundary line whereof shall be distant half a mile from such place of discovery. And such notification as aforesaid shall have the effect of a provisional Proclamation of the Crown lands within such area as a goldfield, to be in force until the same or any enlarged or diminished area shall be proclaimed under the provisions of this Act.

Provisional Proclamation may be cancelled.

9. No notification under the last section shall be posted until the warden or Minister shall have satisfied himself that payable gold has been actually discovered on such land. And such notification shall refer back to and operate from the day upon which the said discovery shall have been so reported, as aforesaid: Provided that if the warden of the mining district to whom such discovery as aforesaid shall have been reported, or if any officer authorised in that behalf by such Minister shall, at any time during the continuance of such provisional Proclamation, report to such Minister that the alleged discovery of payable gold does not, in his opinion, warrant the proclamation as a goldfield of the said area, then it shall be lawful for such Minister, by notice in the *Government Gazette*, to revoke and cancel the provisional Proclamation of such area.

Currency of miner's right.

10. Every miner's right issued after the coming into operation of this Act shall be current and remain in force for twelve months from the date of issue.

Penalty for unlawfully mining.

11. If any person, not holding a miner's right, licence, or lease under this Act, shall mine for gold on Crown lands, whether on his own behalf or on behalf of any other person, whether or not the lawful possessor of any claim, or as partner with any such person, he shall be liable, on conviction, to pay for each such offence a penalty not exceeding One Pound for every day he shall so mine; and the burden of proving that he is the holder of a miner's right, licence, or lease shall rest upon him.

12. It

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**12.** It shall be lawful for the Government Resident to grant a renewal of any gold mining lease issued under the provisions of "The Northern Territory Gold Mining Act, 1873," for a further term of twenty-one years, upon the expiration of such lease, subject to such terms and conditions as may be prescribed by regulations made in pursuance of clause 49 of the said Act: Provided that all such regulations shall be laid before both Houses of Parliament for thirty days, and thereafter, if not disallowed by resolution of either House, shall be published in the *Government Gazette*, and on such publication, but not previously, shall have the force of law.

Renewal of leases.

**13.** No gold mining lease shall be granted to any Asiatic alien, and no such Asiatic alien shall hereafter be entitled to acquire or hold any such gold mining lease, or any interest therein: Provided that this section shall not affect any lease granted before the passing of this Act to any Asiatic alien.

Gold mining leases not to be granted to Asiatic aliens.

**14.** Any miner giving notice to the warden of a goldfield that a lease is not being worked in accordance with the conditions of such lease, and applying for the forfeiture thereof, shall, in the event of such lease or application being forfeited, have a preferent right for seven clear working days after such forfeiture to take possession of the ground so forfeited, or any portion thereof, as a claim, or to apply for the same as a lease.

Miner giving notice lease liable to forfeiture to have preferent right.

**15.** Each application for forfeiture of a lease shall be heard by the warden in open court, and the evidence taken at the hearing, together with his report recommending the approval of the forfeiture or otherwise (which report shall be read in open court to the parties concerned), shall be forwarded to the Government Resident for his decision immediately after the hearing of the case.

Forfeiture of leases.

**16.** Section 28 of "The Northern Territory Gold Mining Act, 1873," is hereby repealed, and in lieu thereof the following shall be and may be cited as the twenty-eighth section of "The Northern Territory Gold Mining Act, 1873," that is to say—Alluvial claims, the proper working whereof will necessitate deep sinking, and quartz claims, may be held from year to year by virtue of a miner's right, subject, nevertheless, to the performance and observance of the provisions of "The Northern Territory Gold Mining Act, 1873," and the regulations thereunder; and the powers, rights, and privileges vested in and conferred upon the holders of such miners' rights shall be exercised and enjoyed in respect of such last-mentioned alluvial and quartz claims respectively: Provided that the owner of any such claim shall obtain the renewal thereof before the expiration of the first and each succeeding year by application to the warden and payment of the registration fee provided for by the said Act and the regulations thereunder.

Deep sinking alluvial claims and quartz claims to be held under miner's rights from year to year.

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Amendment of section 37 of Northern Territory Gold Mining Act, 1873.

**17.** Clause 37 of "The Northern Territory Gold Mining Act, 1873," is hereby amended by the insertion of the following words before the word "lease" in the third line:—"Renewal of the registration of such claim, or for a."

Exemption from working conditions of lease.

**18.** It shall be lawful for the warden of any gold mining district to grant exemption from the working conditions of any gold mining lease for a period not exceeding six months, upon such conditions as to bailing and protection of workings as he may deem necessary.

Exemption only to be granted if lease been previously worked.

**19.** No exemption from the working conditions of any gold mining lease shall be granted by any warden unless it is proved to his satisfaction that there is good and sufficient reason for such exemption, and that such lease has been continuously worked with the necessary labor for the six months immediately preceding the application for such exemption.

Mode of application for exemption.

**20.** Every application for exemption of the labor conditions on a gold mining lease shall be made to the warden thirty days prior to the hearing thereof, and a copy of such application shall be posted in a conspicuous place on the leased land and outside the warden's office.

Opposition to application for exemption.

**21.** Every application for exemption shall be heard by the warden in open court, and may be opposed by any holder of a miner's right.

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

T. FOWELL BUXTON, Governor.