



ANNO QUINQUAGESIMO PRIMO ET QUINQUAGESIMO
SECUNDO

VICTORIÆ REGINÆ.

A.D. 1888.

No. 445.

An Act to amend the Mineral Laws of the Northern
Territory.

[*Assented to, December 8th, 1888.*]

WHEREAS it is expedient to amend “The Northern Territory
Crown Lands Consolidation Act, 1882,” in manner hereinafter provided—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 of the said province in this present Parliament assembled, as follows: Preamble.

1. This Act may be cited for all purposes as “The Northern
Territory Mineral Act, 1888.” Short title.

2. Part v. of “The Northern Territory Crown Lands Consolidation Act, 1882,” is hereby repealed: Provided that such appeal shall not affect any right, claim, penalty, or liability already accrued, incurred, or in existence under the part of the said Act so repealed. Repeal

3. In the construction of this Act, except where the subject-matter or context or other provisions hereof require a different construction, the following terms in inverted commas shall have the respective meanings hereby assigned to them, that is to say— Interpretation.

“Crown lands” shall mean and include all lands in the Northern Territory, except—

i. Lands reserved for or dedicated to any public purpose:

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ii. Lands lawfully granted or contracted to be granted in fee simple by or on behalf of the Crown :

iii. Lands subject to any lease with right of purchase or any lease or licence for mineral purposes lawfully granted by or on behalf of the Crown :

“ *Gazette* ” shall mean the *South Australian Government Gazette*, published in Adelaide, or such official gazette published in the Northern Territory, or such newspaper, or publication, published and circulating in the Northern Territory, as shall from time to time be appointed by the Minister by notice in the *South Australian Government Gazette* :

“ *Block* ” or “ *block of land* ” shall include two or more pieces of land, separated from each other only by a road or roads :

“ *Lessee* ” shall include as well the original lessee of land held under lease from the Crown as any assignee or transferee of such lease, and the devisee, or personal representative of any such lessee, assignee or transferee :

“ *Minister* ” shall mean the Minister of Education for the time being of the said province, or other the Minister for the time being having the control or management of the Northern Territory, or such other person or persons as the Governor shall appoint to exercise and carry out, in the Northern Territory, the provisions of this Act :

“ *Northern Territory* ” shall mean so much of the Province of South Australia as lies to the northwards of the twenty-sixth parallel of south latitude, and between the one hundred and twenty-ninth and one hundred and thirty-eighth degrees of east longitude, together with the bays and gulfs there situated, and all and every the islands adjacent to any main land within such limits as aforesaid, with their rights, members, and appurtenances :

“ *Regulations* ” shall mean the regulations for the time being in force under this Act :

Specific licences to search for minerals.

4. The Minister may, on payment of a fee of Twenty Shillings for each licence, grant licences to search for metals and minerals (except gold) upon any specific Crown lands, not exceeding eighty acres in extent. Every such mineral licence shall be in force for the period of twelve months from the date thereof, and shall, subject to the regulations, authorise the person therein named, and his assigns, servants, and workmen, during the currency of the licence, to search and mine the land described therein, and to remove and carry away from such land for sample and analysis only, any metals and minerals (except gold), not exceeding one ton.

Licencees to employ labor.

5. Every such licencee shall, during six months of the term of the licence, employ and, in manner prescribed by the regulations, keep employed in searching for metals and minerals upon the land described

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described in the licence not less than one man for every eighty acres or part of eighty acres of such land, and shall furnish the Minister whenever required by him or by the regulations with satisfactory evidence that the obligation created by this section is being or has been performed. In default of any licensee complying with this section his licence and all rights thereunder shall be absolutely forfeited.

6. The holder of a mineral licence shall have a preferential right, during the currency of his licence, to a mineral lease of the land described in such licence.

Licencee to have preferential rights to lease.

7. No person shall hold more than six hundred and forty acres at any one time under mineral licences, and no such licence shall include or apply to any lands held or occupied for gold mining purposes.

Maximum area.

8. The holder of any mineral licence may remove from any lands, subject to his licence, any minerals and metals (except gold) for sample and analysis only, not exceeding in the whole twenty tons.

Power to remove twenty tons of minerals.

9. Leases of Crown lands may be granted for mineral purposes (in blocks not exceeding eighty acres in any one lease), to any person who shall first apply for the same. All applications for such leases shall be in the form, and shall be made and dealt with in the manner prescribed by the regulations.

Leases may be granted for mineral purposes.

10. Every mineral lease shall be for a term not exceeding ninety-nine years from the thirtieth day of June or the thirty-first day of December, as the case may be, nearest to the date of the application, and shall entitle the lessee during the currency thereof to mine for and dispose of for his own benefit all metals and minerals upon the leased land except gold, and every such lease shall be in such form, and shall contain such covenants, provisions, and restrictions as shall be prescribed by regulations.

Term of lease.

11. Every mineral lease shall contain the following covenants by the lessee, that is to say—

Conditions of lease.

- I. That he will pay the rent reserved by such lease as and when such rent shall become due :
- II. That he will not, without permission in writing from the Minister, use the demised land for any other purpose than that of mining and smelting or otherwise winning from the soil and rendering marketable any metals or minerals therein contained and by this Act authorised to be removed :
- III. That he will expend in every two years during the term a sum equal to at least Six Pounds for each and every acre of the land comprised in such lease, in working the mines on such land, or, at the option of the lessee, that he will, during nine months in each year during the term, employ and

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and keep employed in mining upon such land, and in searching for and raising metals or other minerals therefrom, not less than one man for every twenty acres or portion of twenty acres of the land demised, and that he will furnish the Minister, whenever required by him, with satisfactory evidence that such sum of money has been laid out, or such number of men has been employed, as aforesaid :

- iv. That he will forward the returns required by, and observe all the provisions of, this part of this Act and of the regulations :
- v. That he will permit the occupier of any adjoining pastoral lands to have free access at all times, with or without cattle, sheep, and other livestock, to any surface or other water on the leased land which shall not have been provided by artificial means by the mineral lessee, and that he will permit such occupier to use and enjoy such water for the purposes of consumption by cattle, sheep, and other livestock, and generally for his own benefit, use, and advantage, as he shall think proper :
- vi. Such other covenants and conditions as the Minister shall think fit :

Every lease so granted shall contain a proviso that the same shall be liable to forfeiture upon breach of any covenant therein contained to be performed by the lessee.

Improvements.

12. Any person making application for a mineral lease of any lands upon which there are at the time any improvements, shall, previous to such lease being granted, pay into the Land Office at Palmerston a sum to be fixed by the Minister for the value of the improvements on such lands.

Rent.

13. The annual rent reserved in every mineral lease shall be One Shilling per acre, and a further sum equal to Sixpence in the pound sterling on the net profits obtained from the occupation and working of all mines and the sale of all metals and minerals which shall be obtained from the land comprised in such lease, and such rent shall be paid half-yearly at the Treasury in Adelaide, or at the Land Office Palmerston, on or before the twenty-eighth day of February and the thirty-first day of August in each year under the penalties hereinafter provided.

Returns to be made.

14. For the purpose of ascertaining the amount of rent so to be paid, the mineral lessee, or the person having the management of the leased land, shall, within thirty days after the thirtieth day of June and the thirty-first day of December in each year, deliver to the Minister at the Land Office Palmerston, a true return, certifying the amount of gross and net profit which shall have resulted from the working of the leased land during the six months immediately preceding such thirtieth day of June and thirty-first day of December respectively,

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respectively, or certifying that there has been no profit realised during such six months. Any lessee or other person wilfully making any false return shall be liable for each offence to a penalty of not less than Fifty Pounds nor more than Five Hundred Pounds. For the purpose of verifying such return it shall be lawful for any person appointed by the Minister at any time to inspect and take extracts from all books of account, vouchers, and documents in any way relating to the leased land, or the metals or minerals obtained therefrom, and any lessee or other person refusing to allow any person so appointed to make such inspection as aforesaid, or preventing such extracts being taken, shall for each offence forfeit and pay a penalty of not less than Twenty Pounds and not more than One Hundred Pounds.

15. No person shall hold under mineral lease at one and the same time more than six hundred and forty acres of land, nor more than three hundred and twenty acres in contiguous blocks. Maximum area.

16. Every lessee under any mineral lease heretofore granted, who shall, to the satisfaction of the Minister, have complied with all the terms and conditions of such lease may, within three years from the passing of this Act, in manner and subject to the terms prescribed by the regulations, surrender such lease, and in lieu thereof obtain a mineral lease under this Act, for a term not exceeding ninety-nine years, calculated from the commencement of the term originally granted by such surrendered lease. Present lessee may surrender and obtain new lease.

17. The Minister may, subject to the regulations, allow the lessees of contiguous lands, or lands separated only by roads, held under mineral lease by virtue of this or any other Act to amalgamate their leases, or to surrender the same and obtain one or more mineral leases of the lands included in the surrendered leases, and may allow any lessee to surrender any such lease, and obtain two or more leases in lieu thereof, and every mineral lessee may surrender any mineral lease held by him on giving three months' notice in writing to the Minister of his intention so to do. Minister may allow amalgamation of contiguous leases held by different persons.

Mineral leases may be surrendered.

18. The holder of any mineral lease shall, subject to the regulations, be entitled to a preferential right to and may hold a gold mining lease or leases of the land comprised in such mineral lease, and *vice versa*. But no holder of a mineral lease shall be entitled to a preferential right to hold more than four contiguous gold mining leases, and no mineral lease or licence shall be granted for land held under gold mining lease. Lessee under gold mining lease entitled to preferential right to mineral lease and *vice versa*.

19. Upon the surrender (except for the purpose of obtaining a new lease under section 15 or 16 hereof) or upon the expiration of any mineral lease, a lease of the land comprised therein shall be first offered for sale by public auction to the highest bidder, of the time and place of which sale at least one month's notice shall be given On surrender or expiration of lease new lease to be offered at auction.

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in the *Gazette*. In case such lease shall not be sold the land may be dealt with as Crown lands.

Government Resident
may execute leases.

20 All leases and licences granted pursuant to this Act may be executed by the Government Resident of the Northern Territory in the name and on behalf of Her Majesty.

Regulations.

21. The Governor may make such regulations as he shall think fit for fully and effectually carrying out and giving force and effect to the various purposes, provisions, powers, and authorities in this Act contained; and every regulation when published in the *Gazette* shall have the force of law.

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

WM. C. F. ROBINSON, Governor.