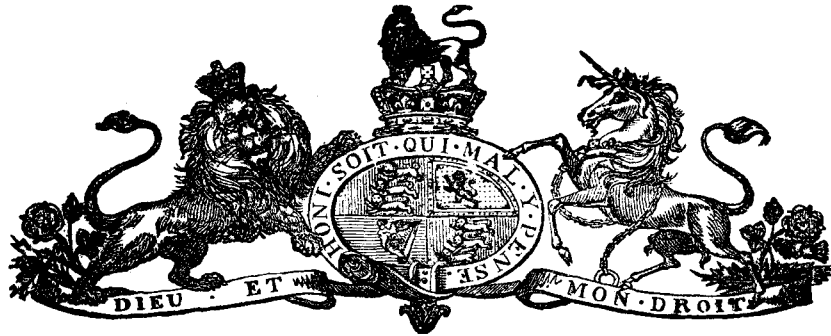


T A S M A N I A.

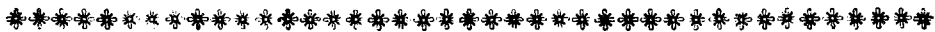


1885.

ANNO QUADRAGESIMO-NONO

VICTORIÆ REGINÆ,

No. 2.



AN ACT to further amend "The Gold Fields Regulation Act, 1880." [7 September, 1885.] A.D. 1885.

WHEREAS it is necessary and expedient to further amend "The Gold Fields Regulation Act, 1880 :"  
PREAMBLE.  
44 Vict. No. 16.

Be it therefore 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 :—

1 This Act may be cited as "The Gold Fields Regulation Amendment Act, 1885." Short title.

2—(1.) In this Act, unless the context otherwise determines, "the said Act" means "The Gold Fields Regulation Act, 1880," and every Act amending the same. Interpretation.

(2.) The expression "Claim" used in the said Act shall extend to and include a Water Right and a Mining Easement.

3 It shall be lawful for the Minister, with the consent of the Governor in Council, to grant to any person for any term not exceeding Ten years, subject to the provisions of the said Act, and to the Regulations made thereunder, a licence (in this Act called a Water Right), which shall authorise such person, his executors, administrators, Grant of Water Rights.

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and assigns (except as against Her Majesty), to take or divert water which Her Majesty may lawfully take and divert from any spring, lake, pool, or stream situate or flowing upon or through or bounded by any such Crown Lands, in such manner as shall be prescribed by such Water Right and Regulations, in order to supply water for mining purposes to such person or any other person who may be engaged in mining or for the domestic purposes of such person; and it shall be lawful for the person to whom any such Water Right shall be granted to take or divert such water, and for that purpose to cut, construct, and use races, drains, dams, and reservoirs through and upon any Crown Lands, whether the same shall or shall not have been demised under the provisions of the said Act or any former Act relating to Gold Fields, and from time to time to deepen, widen, cleanse, repair, or otherwise improve any race, drain, dam, or reservoir cut or constructed through or upon any Crown Lands; and such Water Right, and the property and interest in any race, drain, dam, or reservoir cut or constructed by virtue thereof, shall be deemed to be a chattel interest. Provided that nothing herein contained shall be construed to affect or prejudice the existing rights of any person to the reasonable use of the water flowing in a natural bed or channel through or along the margin of land belonging to or occupied by him, or naturally deposited within such land.

Grant of Mining Easements.

**4** It shall be lawful for the Minister, with the consent of the Governor in Council, to grant to any person for any term not exceeding Ten years, subject to the provisions of the said Act, and to the Regulations made thereunder, a licence (in this Act called a Mining Easement) which shall authorise such person, his executors, administrators, and assigns (except as against Her Majesty), for the more convenient and advantageous working of the land occupied by him or them, to cut, excavate, sink, erect, build, make, or construct, occupy, and use drains, tailraces, sludge channels, tunnels, shafts, buildings, tramways, machinery sites, roads, or other works for mining purposes as he or they may require, in, through, and upon any Crown Lands, whether the same shall or shall not have been demised under the provisions of the said Act or any former Act relating to Gold Fields, and from time to time to repair, improve, or alter any such works; and such Mining Easement and the property and interest in any works made or constructed by virtue thereof shall be deemed to be a chattel interest. Provided that nothing herein contained shall be construed to affect or prejudice the existing rights of any person to the reasonable use of any Mining Easements, or to the reasonably convenient and efficient working of the ground belonging to or occupied by him.

Form, &amp;c. of Water Right and Mining Easement.

**5** Every Water Right or Mining Easement shall be in such form, and be granted subject to the payment of such rent, and be subject to such conditions, and be liable to forfeiture in such manner, as may be prescribed.

Holder of Water Right or Mining Easement to make compensation.

**6** If the holder of any Water Right or Mining Easement shall by virtue thereof enter upon any land demised for mining purposes he shall make compensation for any injury or damage occasioned by such entry and by the cutting and constructing of any races, dams, or reservoirs, tailraces, sludge channels, or tunnels, shafts, buildings, tramways,

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machinery sites, roads, or other works on any such land ; and such compensation shall be ascertained and settled in such manner as may be prescribed.

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**7**—(1.) Where, for mining purposes, any person desires—

- (i.) To take water from any stream flowing by or through any private land, or from any natural lake bounded thereby; or
- (ii.) To construct any race or other work through or upon any private land ;

Person desiring to take water from, or to carry race through, private land, to give notice.

he shall serve upon the owner or occupier of such land notice of his intention so to do, and such notice shall describe with all reasonable accuracy the mode in which such water is proposed to be taken and the proposed course and direction of such race or the nature of such work, and such notice shall be in such form as may be prescribed.

(2.) Any such person may, for the purpose merely of surveying and taking levels, after giving not less than Twenty-four hours' nor more than Seven days' notice, enter upon such private land without the previous consent of such owner or occupier.

**8** Before any water shall be taken from any stream flowing through any private lands, or from any natural lake bounded thereby, or any such race or work shall be constructed through or over any private lands, the owner or occupier thereof shall be entitled to such compensation for any injury or damage which may be caused by taking such water, or by the construction of such race or work, as shall be determined by agreement between the parties, and such compensation shall be paid to such owner or occupier by the parties taking such water or constructing such race or work before they take such water or construct such race or work ; and if such compensation shall not be fixed by agreement within One month after the service of such notice, then such compensation shall be determined by arbitration in the mode prescribed by *The Lands Clauses Act*, and for such purpose Sections Fourteen to Thirty-seven both inclusive of the said last-mentioned Act shall be incorporated with the said Act ; and the person desiring to take such water or construct such race or work shall be deemed to be the Promoter of the undertaking for the purposes of the said Sections.

Compensation to be paid.

21 Vict. No. 11.

**9**—(1.) It shall be lawful for a Commissioner, upon the application of any person interested, from time to time to order and determine the mode and direction in which any race or other work shall be carried or constructed, or in which water shall be conveyed through, over, or across any land, so as to cause as little interference as the Commissioner may deem practicable with the profitable working of such land ; and it shall be lawful for the Commissioner to authorise or order such deviation or alteration, or such deviations or alterations, in any such race or other work as he may think fit for the convenience of the owner of such race or other work, or for the protection of the rights of the occupier of the land through, over, across or upon which any such race or other work may be made or constructed ; and every such order may be rescinded or varied as the Commissioner thinks fit, upon the application of either party.

Commissioner to determine mode in which race to be carried through land of another person.

(2.) Whenever a Commissioner shall authorise or order any deviation or alteration in any such race or other work, the cost of making such

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deviation or alteration shall be borne by the person interested in the claim affected thereby which shall have been applied for subsequently to any other claim also affected by such deviation or alteration.

Disposal of  
buildings, &c.  
when lease  
forfeited.

**10** Upon the publication of any such notice mentioned in Section Thirty-nine of the said Act, all buildings, mining plant, and machinery erected and being on the land described in the lease which has been declared void and forfeited under the provisions of the said Act shall vest in Her Majesty, but may be removed therefrom by the late lessee or any person interested in such lease, with the consent of the Governor in Council.

The provisions of this Section shall be applicable to all buildings, mining plant, and machinery erected and being on the land described in any lease which has been declared void and forfeited before the commencement of this Act, notwithstanding anything to the contrary contained in any enactment repealed by this Act.

Repeal.

**11** Section Forty of "The Gold Fields Regulation Act, 1880," and Sections Four, Five, and Six of "The Gold Fields Regulation Act Amendment Act, 1881," are hereby repealed.

Acts to be read  
together.

**12** The said Act, as amended by this Act, and this Act, shall be read and construed together as one Act.